

An Analysis of the Role of Non-Governmental Organizations Working with
Refugees in Durban

By

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Declaration

This dissertation is original work by the author and has not been submitted in any other form to another university. Where use has been made of the work of other authors and sources, it has been accordingly acknowledged and referenced in the text.

A. H. Hinsen

Acronyms

ACA	Aliens Control Act
ACORD	Agency for Cooperation and Research in Development
DHA	Department of Home Affairs
DRC	Democratic Republic of Congo
DSPN	Durban Service Provider Network
GRO	Grassroots Organization
INGO	International Non-Governmental Organization
IRS	International Refugee Service
KZNRC	Kwa-Zulu Natal Refugee Council
LHR	Lawyers for Human Rights
MCC	Mennonite Central Committee
NCRA	National Consortium for Refugee Affairs
NEPAD	New Partnership for Africa's Development
NGO	Non-Governmental Organization
NNGO	Northern Non-Governmental Organization
OAU	Organization of African Unity
PPASA	Planned Parenthood Association of South Africa
RNGO	Religious Non-Governmental Organization
RPC	Refugee Pastoral Care
SADC	Southern African Development Community
SAMP	Southern African Migration Project
SANZAF	South African National Zakah Fund
SARC	South African Red Cross
SNGO	Southern Non-Governmental Organization
UN	United Nations
UNCHS	United Nations Conference on Human Settlements
UNHCR	United Nations High Commissioner for Refugees
URW	Union of Refugee Women

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Chapter 1. Introduction: The role of NGOs working with refugees

Arriving in South Africa as an asylum seeker or refugee today you might expect a certain level of support and assistance in order to settle in this new country. Unfortunately, it turns out that is nothing but wishful thinking. If you arrive without having prior networks in the country, there is a great chance you will spend your first night sleeping on the street. When you stand in the queue at the Department of Home Affairs the next day, you can do nothing but hope that you will get your identification document and be advised of where to go for accommodation, food, and clothing. However, the refugee is in for another disappointment. Due to an increasing backlog and bureaucratic inefficiency at the Department of Home Affairs, a great number of asylum seekers are awaiting the document declaring their refugee status. Without this document they are by and large unable to access accommodation, jobs, banking and health care. With Durban being the second largest city in South Africa, it receives many of the asylum seekers coming to South Africa today. The issue of asylum seekers and refugees is not going to go away, hence it is an increasing need to manage the problems they experience in an appropriate way.

The objective of this research is to add to the previous literature regarding refugees and the role of non-governmental organizations (NGOs). The research seeks to map out which organizations are available in Durban; what services are provided and how; and how the organizations' staff perceive the refugee situation. As these are people who have worked with a variety of refugees over an extended period of time, their experiences and practices compliment previous research, which often focuses on a group of migrants at a specific time (Landau 2004a) or on a group with distinct demographics (Amisi 2005, Sabet-Shargi 2000, Jinnah 2006). The role NGOs play within the support agency structure for refugees is thus illustrated.

In Chapter 2 the international and national policy environment is analysed, with the research on refugees' demographics, experiences and problems faced being further reviewed. Although the definition and rights of asylum seekers and refugees are clearly stipulated in the policies, the refugees still face a number of challenges in South Africa. This is highlighted through issues such as xenophobia, dealings with the Department of Home Affairs and access to social and private services. In Chapter 3 the history, growth and diversity of NGOs are further

demonstrated in order to illustrate how the different characteristics impact on the organization's performance, accountability and autonomy. This will thus indicate how NGOs operate in multiple settings which affect upon their ability to manoeuvre. Lastly, the organizations' role within the neoliberal development context is outlined showing the need for these agencies to scale up and collaborate if success is to be achieved on a macro level.

The work of refugee-assisting NGOs and their experiences with refugee issues has not been widely documented in previous research. With the aim of filling this gap, the researcher identified the main organizations available for refugees in Durban. The central themes discussed in Chapter 2 and 3 strongly informed the design of the interview scheme, with ten organizations being interviewed. In addition three refugee community leaders were interviewed as well as the Lawyers for Human Rights' branches in Pretoria and Johannesburg. The details of the research methods employed as well as ethical concerns and potential biases are discussed in Chapter 4.

Chapter 5 is divided into four sections presenting the main findings of the research. In the first section the organizations are presented - what and how services are provided is documented and gaps and weaknesses in the assistance are identified. The second section examines NGO staff perceptions of the context in which they work – especially the policy environment, the migration process and the refugees' situation. The third section focuses on the internal workings of the NGOs – their structure, access to funding, accountability and monitoring and evaluation processes. This section considers how these factors impact on the NGOs' work and room to manoeuvre. The fourth and last section evaluates the degree of collaboration and networking used by the organizations in the sample; how they describe their relationship to the state; and what recommendations the NGOs would give the state to improve refugees' living conditions.

The research suggests that refugee support organisations in the city can be divided into two distinct clusters. One group consists of recently formed and locally based organizations with a strong degree of downward accountability but less access to funding and weaker links to state institutions. The second group are well established national and/or international organizations which seem to be more distant from their clients, but have better access to funding and state institutions as well as a higher degree of professionalism. The respective characteristics further provided both benefits and disadvantages with regards to the organizations' room to

manoeuvre. Although the services provided are relevant, the assistance requirements, inadequate capacity, and the lack of inclusion of the clients are hampering the effects of the assistance provided. As a result, the NGOs are currently only scratching the surface of the needs in the migrant community. The policy environment was found challenging by the NGO staff. The refugee environment, within each community, was however described as very supportive. Collaboration through the Durban Service Provider Network provides the organizations with valuable information and the basis for referrals, yet internal workings and tension between the organizations are having negative effects on their work and reputation. Collaboration across city and country borders was minimal.

In the final chapter the core findings from the research are reiterated concluding that the NGOs are playing a crucial role within the support agency structure for refugees in Durban. However, if the organizations are to offer sustainable and viable assistance to the refugees a number of improvements are recommended. In short, services such as accommodation, skills training and micro credit should receive increased attention. Key people within the refugee community such as the refugee leaders should be better included in the NGOs' work. The NGOs should also have more knowledge of the refugee policies, and lobby for greater collaboration with government and other stakeholders involved in refugee issues. The chapter ends off identifying remaining gaps for future research.

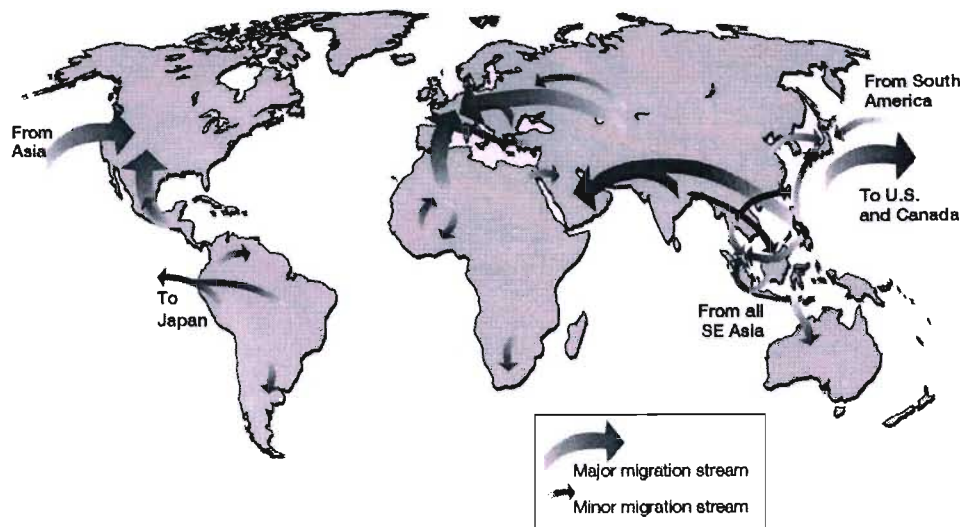
Chapter 2. Refugee Migration: Policies and Problems

This chapter contextualises this research by reflecting on key findings in both the international and South African literature on migration. Much of the international literature has focused on migration patterns, determinants and theories as well as the role of United Nations High Commissioner for Refugees (UNHCR). In the South African context, previous work can be grouped into two broad themes. There is much research reflecting on South Africa's post-apartheid immigration policies, and how the concepts of inclusion, exclusion and citizenship have affected the perceptions of local South Africans and refugees. A second body of research reflects the demographics, work activities and problems faced by refugees in the cities of Johannesburg, Pretoria, Cape Town and Durban. Each of these is looked at in turn.

The international refugee migration context

As Figure 1 illustrates, different flows of migration are to be observed around the world, with each region having its own migration patterns and challenges. According to Dodson (2001:85) three trends can be identified in international migration - a growing feminization, an increasing level of temporary migration, and various forms of transnationalism emphasizing how networks and household structures are maintaining links between two or more places. Further, it is likely that the emerging global economic and social system will continue to increase population movements thus, emphasising governments' and institutions' need to develop effective policies and accept cultural difference and diversity (Richmond 1994). Although Figure 1 suggests that migration to South Africa only comes from Sub-Saharan Africa, the research done on demographics of refugees migrating to South Africa shows that, although constantly changing and difficult to measure, the majority of refugees who get their applications approved are from Angola, the Democratic Republic of Congo, Burundi, Rwanda, Sudan, Somalia and Ethiopia. (Handmaker 2001:94). This gives a more nuanced picture of migration to South Africa.

Figure 1. Illustrating the migration patterns in the early 21st Century



Source: Martin and Widgren 2002:9

Why people migrate

According to Adepoju (1998) a number of different migration patterns and categories of migrants are created as a result of historical, demographic, political, ecological and ethnic factors working together in various ways. This, together with immigration rules and policies, forces the migrant into categories such as labour migrants, nomads, undocumented migrants, brain drain/skilled migrants, family reunion members, asylum seekers, refugees and internally displaced persons. Each of these groups has their own set of rights and entitlements further illustrating the migration complexity.

By presenting two different, but complementing, approaches to migration through the works of Martin and Widgren (2002) and Stalker (2001), the understanding of refugee migration and how this is seen within an international context will be outlined. This is relevant both for placing refugee migration within a broader theoretical context and for understanding the background and situation of refugees (see also Brettell and Hollifield 2000, Castles 2000, Siddique and Appleyard 2001, Weiner 1999).

According to Martin and Widgren (2002) migrants can be divided into two broad categories; those who migrate because of economic factors, and those who move mainly because of non-

economic factors. Further, they divide the factors which encourage migrants into three groups: demand-pull, supply-push and network factors, see Table 1.

Table 1. Determinants of Migration

Type of Migrant	Factors Encouraging an Individual to Migrate		
	<u>Demand-Pull</u>	<u>Supply-Push</u>	<u>Network/Other</u>
Economic	Labour recruitment, better wages	Un- or underemployment; low wages	Job and wage information flows
Non-economic	Family unification	War and persecution	Communications; transportation; assistance organizations; desire for new experience

Note: The examples are illustrative. Individuals may be encouraged to move by all three factors. The importance of pull, push and network can change over time. Source: Martin and Widgren 2002:8

If we are to see the migration of refugees with reference to Martin and Widgren’s determinants, refugees will be described as non-economic migrants mainly migrating due to push-factors such as war and persecution¹. Still, as argued by Adepoju (1998:22) the increasing nature of poverty is crucial for understanding linkages between poverty, conflict and refugee flows. Thus, even though economic factors might not be the main reason for why refugees migrate per se, they must be considered in relation to other migration determinants such as conflicts, loss of state capacities and statelessness. As emphasized by the UNHCR:

In an ever more interconnected world, migration has become more complex and the distinctions between categories of migrants blurred. Migrants seeking better economic opportunities and refugees fleeing conflict, and human rights abuses are increasingly using the same routes and intermediaries (UNHCR 2006a:4).

A different approach to the theories of migration is presented by Stalker (2001), although it can be seen in relation to the categories used by Martin and Widgren (2002). Stalker argues that different theories of migration essentially boil down to two main approaches; the individual and the structural. The individual approach sees the migrants as rational human beings who consider available options and destinations offering most jobs and highest wages. Yet, often the decision to migrate is part of a family strategy hence sometimes referred to as the ‘new economics of migration’ (Stalker 2001:22). The individual approach is linked to the

¹ However, for wives arriving at a later stage family unification is also to play an important role in their migration process.

‘push-and-pull’ theory, which explains migration through push of poverty and pull of labor shortage. This complements Martin and Widgren’s (2002) category of ‘economic migrants’.

The structuralist approach highlights how external economic, social and/or political forces push people out of some countries and into others. A variant of this approach is the theory of ‘dual labor markets’ which argues that capitalist development creates two distinct types of jobs - the secure, permanent, high-skilled and well paid tasks, and the hard, temporary and unpleasant tasks. The latter often carried out by immigrants (Stalker 2001:22-23). The structuralist approach has similarities with Martin and Widgren’s (2002) category of ‘non-economic’ migrants. However, Stalker also underlines the complexity when explaining migration by pointing out that the two approaches can be difficult to keep separate as people’s choices often are shaped by external forces but responded to in different ways.

Kofman (2004) points out that global migration patterns are gendered and that global processes are drawing up new lines of selective inclusion and exclusion resulting in complex systems of stratification. This has resulted in a hierarchical mobility structure with a divide between skilled people on one side, and lesser skilled people, asylum seekers and refugees on another. She further argues that the dominant explanation of why people migrate is economic, thus as men tend to be associated with the economic and workplace, and women with the socio-cultural and family, migration has for some time mainly focused on men and their determinants for migration.

International refugee policies

Originally the objective of the United Nations High Commissioner for Refugees (UNHCR), created in 1950, was to help and support the nearly one million refugees still situated in Europe long after the end of the Second World War. Thus, in 1951 the Geneva Convention, the major legal foundation on which UNHCR’s work is based, was adopted (Achiron 2001:8). However, the Convention was limited to protecting persons who became refugees as a result of events occurring before January 1, 1951. Hence, as time passed and new refugee situations emerged, the need increased for making the Convention applicable to new refugees. Thus in October 1967 the Protocol relating to the status of refugees entered into force giving the same protection to new refugees (UNHCR 1996:6).

Together, the Convention and the Protocol constitute the principal international instruments established for the protection of refugees and their basic character has been widely recognized. Furthermore,

[B]oth instruments reflect a fundamental human value on which global consensus exists and are the first and only instruments at the global level which specifically regulate the treatment of those who are compelled to leave their home because of a rupture with their country of origin (Türk and Nicholson 2003:3).

In particular, the Convention sets out the basic principles on which international refugee protection is built - non-refoulement, emphasizing refugees' right not to be returned to any place where they could face persecution; and impartially, whereby all refugees are provided protection without discrimination (UNHCR 2006a:1).

In 1995 South Africa signed the Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa and in 1996 South Africa signed the United Nations Refugee Conventions. The OAU and UN Conventions are considered important documents establishing the rights of refugees and asylum seekers in South Africa, which is often explicitly stated to be the same as those of nationals. In the UN Convention, a refugee is defined as any person who:

Owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it (UNHCR 1996:16).

The OAU Convention includes this description, but further widens it by adding;

The term "refugee" shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality (OAU 1969, Article 1(2)).

Further, according to UNHCR an asylum seeker is described as a person who has entered a country with or without the legally required documentation, is seeking refugee status and whose status has not yet been determined. The asylum seekers should be considered to have the same rights as refugees until it has been fairly determined that they do not have refugee

status (Human Rights Watch 1998:149). In short, the 1951 Convention (UNHCR 1996) states that refugees shall enjoy the same treatment as nationals in matters relating to access to the courts, labour protection, public assistance and elementary education.

Although the Convention has helped a large number of refugees since it entered into force, it has also been criticized for being outdated, unworkable, irrelevant and inflexible. Siddique and Appleyard (2001:12) make the following argument:

The Geneva Convention has been written in a way that allows signatory states to protect their interests, it asks for very little and leaves many responsibilities not well defined. While states are likely to continue to operate through UNHCR, NGOs are set to play an increasingly important role in the resolution of refugee-type problems.

It can thus be argued that this group of institutions is an increasingly important area of analysis.

During the last 10 to 15 years there has been a shift within governments' refugee policies. States that used to have generous refugee policies now focus on the costs of asylum seekers to the state and how these outweigh their benefits to society. As pointed out by UNHCR (2006a:1) "it was easier to welcome refugees who were culturally similar, fulfilled labour needs, arrived in manageable numbers and reinforced ideological or strategic objectives". Thus, two emerging trends within asylum and refugee policies can be identified. First, due to an overly restrictive application of the Convention and its 1967 Protocol there has been an increase in detention, exclusion and lack of due process. Second, states are promoting alternative protection mechanisms which guarantee fewer rights than those contained in the Convention. Hence, more discretionary forms of refugee protection, such as notion of 'safe country of origin', 'effective protection elsewhere' and 'safe third country', have replaced the broader approach based on human rights (UNHCR 2006a:2).

The number and types of migrants have increased faster than the capacity of national governments, regional bodies and international organizations and agreements to deal with them. Along with an upsurge in racism, discrimination, intolerance and xenophobia in Europe and North America, there is a worldwide trend towards stricter immigration controls (Richmond 1994:212). Developed countries have made clear their unwillingness to resettle large numbers of refugees from the South within their borders. Thus, the expectation is that

refugees will stay in the South, in return for which the North will provide financial assistance (Weiner 1999:16).

Refugee migration in Africa

There are a number of different factors affecting migration patterns in Africa, especially in Sub-Saharan Africa. As pointed out by Whitwell (2002:9):

If there is any region in the world where the migration system could be said to be going through fundamental change it is Sub-Saharan Africa, which displays complex and shifting migration patterns arising from wars and civil strife, social and economic restructuring within individual countries and closer economic cooperation between groups of African states.

In particular, violent ethnic conflicts in the Horn of Africa and the Great Lakes region of central Africa remain the most significant trigger of large-scale emigration and refugee flows in the region. The migration configurations in Somalia, Liberia, Sierra Leone, the Democratic Republic of Congo (DRC), Rwanda and Burundi have especially generated massive size and rates of refugee flows and forced population displacement. Thus Adepoju (1998:32) argues that the root of Africa's crisis lies at the political level. It is a political crisis with devastating economic consequences.

These regional migration trends highlight some important features. First, although figures from UNHCR (2005) show that the global refugee population has dropped four years in a row, from just over 12 millions in 2000 to 9,2 millions in 2004, Africa is still the region most affected by refugees providing for about one-third of the world's refugees (Martin and Widgren 2002:29). Secondly, the vast majority of international migration from Sub-Saharan countries remains within the continent. South Africa, which is seen to be a country doing much better compared to other African countries, has become a primary destination for migrants, including refugees, from the African continent (Landau 2004a:10).

The South African Context

Human Rights Watch (1998) has identified three different migration trends in South Africa before 1990. First, South Africa has long been the center of an extensive system of labour migration in the southern African region with foreign mine workers traditionally making up

about 40 percent of the South African mine labour force. Secondly, economic migrants from the Southern African Development Community (SADC) have tended to migrate to South Africa because of economic disparity. And thirdly, Mozambican refugees fleeing civil war within their own country settled (illegally) in the former 'homelands' of South Africa. In addition, many South Africans had to migrate to neighboring countries due to the apartheid-regime and their policies.

In 1991 UNHCR was finally allowed to establish their presence in South Africa, and in 1993 South Africa signed a Basic Agreement which among others required an individual determination of refugee status (Handmaker 2001:94). Since 1994, South Africa has become a primary destination for migrants from the African continent. McDonald *et al* argue:

Migration into South Africa is now truly a pan-African phenomenon and will become increasingly so. It is important that policy-makers are sensitive to the regional differences in migration into the country, and that they acknowledge the new role that South Africa has begun to play with respect to the movement of people on the continent as a whole (McDonald *et al* 1999, cited in Boaden 2002:7).

Further, three immigration amnesties were granted between 1996 and 2000. The first amnesty was given to contract mine workers from the SADC who had worked in South Africa for at least ten years and had voted in the 1994 elections. The second amnesty offered permanent residence to undocumented citizens from SADC who had lived for more than five years in South Africa. The third amnesty was for the Mozambican refugees, and although announced in 1997, it was only implemented in February 2000 (Peberdy 2001:20). As will be pointed out later, these amnesties signaled which migrants would and would not be included in the new South African nation.

Table 2 illustrates the number of asylum applications received in South Africa between 1996 and 2004. The number of applications lodged from 1996-1999 were about 15 000 per year, then decreasing to 3-4 000; yet, recently there has been a large increase in people seeking asylum. Further, using numbers from UNHCR and Department of Home Affairs, Handmaker (2001:110) illustrates the number of applications approved, refused and out-standing between May 1995 and April 2001, see Table 3. Thus, by April 2001 South Africa had received about 65 000 applications of which 17 000 were approved, 35 000 refused and 13 000 out-standing.

Table 2. Asylum applications in South Africa 1996-2004

Year	New applications
1996	15.986
1997	15.638
1998	15.035
1999	13.160
2000	3.132
2001	4.294
2002	55.426
2003	35.920
2004	32.558

Source: UNHCR 2003:318, Redden 2005.

Table 3. Asylum and Refugee Applications in South Africa, 1995-2001

<i>Source</i>	<i>Dated</i>	<i>Approved</i>	<i>Refused*</i>	<i>Out-standing</i>
UNHCR	May 1995- June 1996	1.915	5.649	9.403
DHA/UNHCR (recorded figures)	June 1996- August 1997	2.087	469	12.987
DHA/UNHCR (recorded figures)	August 1997- November 1998	3.925	12.913	-1.736
DHA**	November 1998- June 1999	577	5.989	581
DHA/UNHCR (recorded figures)	June 1999- April 2000	6.502	4.199	-5.182
DHA/UNHCR (recorded figures)	April 2000- April 2001	2.192	4.965	-3.094
TOTAL	April 2001	17.198	34.184	12.959

*Refused includes: Rejected, cancelled, referred, extended, withdrawn or manifestly unfounded applications.

** Speech by Deputy Minister of Home Affairs to Parliament, 5 November 1998.

Source: Handmaker 2001:110

However, it must be emphasized that asylum seekers and refugees constitute a very small part of the overall migration to South Africa. Further, there are an undisclosed number of migrants entering for humanitarian reasons who do not try to apply for refugee status due to fear of not being granted a fair determination. Hence the migration community as such is much larger than the numbers indicated above. UNHCR estimated that just over 28 000 recognized refugees were living in South Africa by July 2005. Most of the refugees getting their applications approved have come from Angola, the Democratic Republic of Congo, Burundi, Rwanda, Sudan, Somalia and Ethiopia, with a smaller number from Nigeria, Senegal, Côte d'Ivoire, Cameroon, as well as India and Pakistan. Yet, the three main 'refugee generating'²

² One problem related to labeling some countries as 'refugee-generating' has been a tendency among Home Affairs officials to prioritize and approve people from these countries rather than following the individual determination process introduced in 1993 (Handmaker 2001:94).

countries have been DRC, Somalia and Angola, see Table 4. However, in Durban the majority of refugees are from the Great Lakes area (DRC, Burundi and Rwanda) illustrating potential regional variations and clusters (CASE 2003:210). As the nature of conflicts changes so does the asylum community, pointed out by Mr Jeff Maqetuka director general of home affairs. He states that although the biggest number of asylum applications still comes from the DRC, the next countries currently following on their list are Zimbabwe, Ethiopia and Pakistan (Naidu 2006:5).

Table 4. Approved Applications by Country of Origin, 1994-2003

Country	Number
1. DRC	8.890
2. Somalia	6.890
3. Angola	5.773
4. Burundi	1.986
5. Rwanda	1.193
TOTAL	24.732

Source: UNHCR 2003:319

With the current increase in asylum applications, the most recent numbers point toward a backlog of 117 000 pending asylum claims by July 2005³ (UNHCR 2006b:211). While the overall number of applications are relatively modest compared to the millions of refugees the African continent has witnessed during the last decade, the South African asylum authorities have been poorly prepared to deal with this amount of cases. Further, there is a tendency among government officials to express perceptions of a ‘mass inflow’ of refugees entering the country. Together with an increased profile of migration-related issues in the media, much which is uninformed, this has added to xenophobic feelings where foreigners are being blamed for exacerbating social problems such as rising crime, unemployment, or even spreading disease (UNHCR 2006b:211, Human Rights Watch 1998:1, see also Danso and McDonald 2001).

Thus, asylum seekers and refugees have become victims of misguided perceptions presented by politicians and the media, and bureaucratic inefficiency at the Department of Home Affairs. UNHCR has been providing training, advice and materials to support the effort to raise the capacity both of the DHA staff and equipment. Still, it will take time to clear the backlog and raise the credibility of the overloaded asylum system which today represent the

³ UNHCR’s number is slightly higher then the number used by Mr Jeff Maqetuka to the Sunday Independent 14th May 2006 where he said they have a backlog of 103 410 asylum applications.

most substantial asylum-related challenge for South Africa (Redden 2005, UNHCR 2006b:211).

Perceptions of migration in South Africa ✓

There is a perception among South Africans that legal immigrants are depriving locals of jobs and services while “illegal immigrants” supposedly corrupt officials, cause crime and take scarce resources from South Africa’s poor (Crush and McDonald, 2001:7). These perceptions have led to a pervasively high and deepening level of hostility and intolerance towards outsiders, and particularly Africans from elsewhere. Dodson (2001:80) notes with respect to migration from neighbouring countries particularly that this is being presented as a threat to the social and economic well-being of South Africa rather than seen as a means of reducing inequality through skills transfer and remittances. As many South Africans emphasize migrants taking scarce resources and jobs from local South Africans, they place themselves within the neo-Malthusian category of describing immigrants’ impact on society. The neo-Malthusian view argues that every society has limited resources (of land and jobs) thus a large immigration is not in the interests of society (Hollifield 2000).

According to The Human Rights Watch (1998:4) South African attitudes have in general become increasingly xenophobic. Politicians add to anti-foreigner feelings by making statements about the ‘deluge’ of migrants being responsible for crime, unemployment and spreading of disease. Further, since refugees often have linguistic, cultural and other differences making them more visible than other migrants, they are particularly targeted for abuse by South African citizens, the police, the army, and the Department of Home Affairs (Handmaker 2002:11, Rogerson 1997). Landau (2004b) points to three areas where anti-immigrant sentiments are having visible consequences in that they result in forms of exclusion. First, in terms of accessing work and studies, second when accessing public and private services such as education and health, and third when dealing with the police. The latter often resulting in repeated arrests with rough handling, verbal abuse and sometimes repatriation (Human Rights Watch 1998:5, Landau 2004b:15-16). Thus, although asylum seekers and refugees have the right to be in South Africa, they continue to meet xenophobic attitudes, to be excluded from social benefits and to be unable to make long-term commitments to business, people and/or the space they inhabit.

South Africa’s immigration policies

Table 5 illustrates South Africa’s different immigration policies. During the apartheid-era decisions about who would be allowed access to South Africa and on what terms were made based on racial and religious criteria. According to Crush and McDonald (2001:2) the immigration policies developed under white minority rule rested on four pillars - racist policy and legislation, the exploitation of migrant labour from neighboring countries, tough enforcement legislation, and the repudiation of international refugee conventions. With the introduction of the Aliens Control Act (ACA) in 1991 emphasis was put on tougher penalties for illegal immigration and increased power to immigration officers and the police. Yet, the Minister of Home Affairs managed to convince the Parliament that the ACA actually was too soft, hence the Act was amended in 1995 and 1996 giving the Department of Home Affairs new powers and abilities to police in-migration (Peberdy 2001:17).

Table 5. Overview of South Africa’s immigration policies and refugee obligations

Year	Name of Policy Document/Convention
1991	The Aliens Control Act
1995	Joined the OAU refugee Convention
1996	Joined the UN refugee Conventions
1997	The Draft Green paper on International Immigration
1998	The Refugees Act (implemented in 2000)
1999	The White Paper on International Migration
1999	The DHA Discussion Document
2000	Draft Immigration Bill (passed into law in 2002)
2001	The Refugee Amendment Bill and explanatory Memorandum

The Aliens Control Act established a system with the aim of identifying all persons in South Africa as either prohibited or non-prohibited. Prohibited persons is defined in Section 39 (a-i) as any person who “is likely to become a public charge by reason of infirmity of mind or body, or because he is not in possession of sufficient means to support himself and his dependants”, “is deemed by the Minister to be an undesirable inhabitant or visitor”, “has lived on the earnings of prostitution”, “has been convicted”, “is mentally ill, or who is deaf and dumb, deaf and blind, or dumb and blind”, “is afflicted with any such contagious, communicable or other disease”, or “has been removed from the Republic by warrant”. The Act clearly indicates the expected behavior of citizens towards prohibited persons pointing out that no person shall employ, provide instruction or training, or issue or conduct business

licenses to any “alien” who is in the Republic in contravention of the provisions of this Act (Aliens Control Act 96 of 1991, 32 (a-d)).

Further, the ACA was premised on the assumption that prohibited individuals can be either excluded from South Africa at the border, or effectively identified and removed from within the country’s borders:

An immigration officer may, if a person who is a prohibited person, enters or is found in the Republic, and is not in custody, arrest him or her, or cause him or her to be arrested, without a warrant, and shall, irrespective of whether such person is arrested or not, remove him or her from the Republic (...) (Aliens Control Act 96 of 1991, 44 (1)).

Until the promulgation of the 1998 Refugee Act (implemented in April 2000) refugees and asylum seekers were treated according to the Aliens Control Act, a heavily control-based model of legislation, which was never intended to offer protection to anyone (Handmaker 2002:1).

According to Crush and McDonald (2001:4-6) South African post-apartheid immigration policies has made three important breaks with the past. First, it abandoned racist immigration policies. Yet, this has not led to more liberal policies. In fact, the government has shown little support for any type of immigration, and only since 2001 has the African National Congress acknowledged the role of immigration but then mainly with regards to the “brain drain” and skilled migrants. Second, the state offered once-off compensation to some of the victims of apartheid immigration policies, these were the three amnesties given to mine workers, citizens from the SADC living in South Africa for at least five years and Mozambican refugees. Third and finally, the government acknowledged the ideals and practices of international refugee protection by joining the OAU and UN refugee Conventions in 1995 and 1996 and by passing a new Refugee Act in 1998.

Also the South African Constitution (1996) guarantees rights applicable to asylum seekers and refugees. Section 7(1) of this legislation states:

The Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in the country and affirms the democratic values of human dignity, equality and freedom (Republic of South Africa, 1996).

Among others, rights to adequate housing, health care services, food and water, and social security for all people in South Africa are included here. Only two sets of rights are explicitly reserved to citizens - political rights (section 19) including the right to vote, and the right to engage in freedom of trade, occupation and profession (section 22).

The 1997 Draft Green Paper on International Migration proposed for a new national skills-based immigration policy, regional sensibility, rights-regarding enforcement and separate refugee and immigration legislation as refugees were still falling under the Aliens Control Act. Further, recommendations on refugee policy were focusing on temporary protection, 'solution-orientation', and burden-sharing within the region (Handmaker 2002:6). Of all these proposals Crush and McDonald (2001:10) argue there was only immediate progress on the refugee issue, particularly due to the combination of a growing number of asylum seekers and South Africa's obligations under the UN and OAU Conventions. The skills-based immigration policy was on the other hand only to be passed into law in 2002.

In May 1998 the Department of Home Affairs appointed a task team to produce a White Paper on refugees. The team consisted of people from the Department, civil society and UNHCR. Based on this team's recommendations, the DHA presented a Refugees White Paper in June 1998. After some amendments made by the Parliamentary Portfolio Committee of Home Affairs the Refugees Act was passed in the National Assembly on 5th of November 1998 and turned into law the 2nd of December. However, the Act did not come into force until April 2000 (Handmaker 2001:96).

Although the new Refugee Act was viewed at the time as broadly progressive, concerns have been raised about the implementation and refugee's rights. The Refugees Act states that refugees are entitled to a formal written recognition of refugee status, to full legal protection, to seek employment, and to access the same basic health and education services as South Africans (Section 28 (a,b,f,g)). Yet, as stated by Handmaker (2002:7) "the DHA has consistently failed to issue refugee documents and travel documents to recognized refugees who need it to access services, apply for jobs, open bank accounts and avoid being arrested and deported on suspicion of being illegal in the country". The legislation can only be effective if the government builds capacity, and if the procedures allow a fair opportunity for asylum applications to be granted a credible hearing.

The 1999 White Paper on International Migration ended up being inconsistent reflecting both on South Africa's "illegal alien" problem, and arguing for a more open skills-based immigration policy (Crush and McDonald 2001:11). As the White Paper also set out that illegal migration could be decreased by reducing pull factors, the DHA released a Discussion Document the same year proposing the establishment of "Reception Centres" where asylum seekers are to be kept while their applications are being processed⁴. However, the Discussion Document has been strongly criticized for not being economically feasible, for threatening rights already obtained by asylum-seekers and for just being used in circumstances of a sudden 'mass influx' - which is obviously not the case in the present situation (Handmaker 2001:102).

The 1999 White Paper on International Migration was followed by a Draft Immigration Bill in 2000 which was passed into law in 2002. This Bill suggests facilitating the movement of skilled migrants into the country. Crush and McDonald (2001:11) commented at the time "the new Immigration Act promises a long over-due new approach to immigration, with skills being the main criteria for immigrant selection". Yet, even though this document was not supposed to deal with the issue of refugees, Handmaker (2001) points out that refugees would be affected by the migration policy, particularly the provisions on border control. The Immigration Bill asks the community to be responsible for helping with internal policing actions to ensure that illegal immigrants are not attracted to South Africa, thus suggesting that "one would be a good citizen by reporting anyone suspected of being without legal residence to the authorities" (Handmaker 2001:105). However, this approach will most likely contribute to increased xenophobia and discrimination, especially towards refugees who often are more visible due to linguistic and cultural differences, further splitting communities. Finally, the 2000 Bill states that it precedes the 1998 Refugees Act in the event of conflict.

In 2001 the Discussion Document was replaced by a Refugees Amendment Bill along with an explanatory Memorandum. According to Handmaker (2001:104) the Bill set out to do two things:

[F]irst to provide a legislative framework for the introduction of government-run Reception Centres for asylum seekers in South Africa and, second, to introduce legal mechanisms for the purpose of restrictively interpreting the extension of refugee status in terms of the Refugees Act 1998.

⁴ This is not to be mistaken for the Refugee Reception Centres operated by DHA today

One of the mechanisms suggested was to refuse asylum seekers passing through a so-called 'safe third country' entering South Africa. However, this was successfully challenged in a legal case taken up by Lawyers for Human Rights in May 2001. Thus, as South Africa has not yet introduced the proposed Reception Centres, where refugees are to be kept while their application is processed, it can still learn from the terrible experience of compulsory detention of asylum-seekers in other countries and reject the idea altogether.

Dodson (2001) points out that both the 1997 Green Paper and the 1999 White Paper have been "remarkably silent on questions of gender". This illustrates a gender blindness towards the links between gender and migration and on the migration policies' different outcomes for men and women. The 1997 Green Paper's 'migrant' category is suggested to mainly be governed by economic criteria of labour demand admitting individuals possessing desirable skills, expertise, resources, and entrepreneurial will. However, many women are denied access to these skills and resources hence they become disadvantaged by the application of such criteria. Further, there is no explanation why most of the refugees entering South Africa are men and whether they leave behind female partners, parents and/or children in their country of origin. Dodson (2001:86) suggests that since all migration takes place within a social context where gender and family relations are among the key factors influencing migration behaviour, research on refugee migration should not just pay attention to the gender of the individual migrants, but also to their household position and family status using the household strategy approach.

Although the government, through the above mentioned policies, has tried to break with apartheid policies, Crush and McDonald (2001) argue that some trends have yet been continued. First, a tough enforcement legislation is sustained and justified by using wrong numbers and statistics to describe 'waves' and 'floods' of immigrants arriving South Africa. Between 1994 and 2000, over 600 000 people were forcibly removed from the country by the police. Second, the mines continue to recruit labour unrestricted from outside the country; mineworkers who still cannot acquire any rights of residence in South Africa. Third, the migration policies continue to define migrants in neutral terms illustrating how a gender dimension in the policies is yet to be present. Finally, although most of the migrants do not intend to stay in South Africa, and many of them are victims of crime, the vast majority perceives legal immigrants to take jobs from locals, and illegal immigrants to cause crime and

take resources from South Africa's poor. Crush and McDonald (2001) point out that this has resulted in increased hostility, especially towards Africans from elsewhere; an idea that can be traced back to apartheid ideologies describing Africa (in contrast to South Africa) as a place of 'otherness', fear and threat. They (2001:8) state "Many of the same apartheid-era images and stereotypes have simply been displaced onto African migrants and refugees, known pejoratively as *kwerekwere*".

Contradicting policies

Peberdy (2001:29) describes citizenship as the basic legal marker of national identity. However, as many refugees often do not know the constitution and legislation, it makes it difficult for them to claim their rights. Hence most refugees are unable to draw on their citizenship to make demands on the state nor have they organized as an aggregated group with common political interests. Previous research shows how grassroots mobilization and ethnic networks can substitute national citizenship, as established refugees are often the best placed to help newcomers with accommodation and job hunting. Not only is this a way of dealing with everyday life, but it is also a way for refugees to safeguard their culture and identity (Amisi and Ballard 2005, Amisi 2005, Sabet-Sharghi 2000, Jinnah 2006).

South Africa's history of racial oppression and human rights abuse can be said to stand in stark contrast to the construction of a new identity, built on principles of inclusion, democracy and human rights for all citizens. This divided, but shared history is used to identify 'true South Africans', thus, those standing outside are excluded from its unifying implications. As argued by Peberdy (2001:23): "The South African state has quickly developed a very clearly defined spatial identity and sense of territorial integrity, shaped by notions of nation building and national identity", further paying increased attention to controlling the nation's borders and implementing stronger regulations and restrictions for African migrants. A South African national identity based on citizenship seems to feed, not challenge, xenophobic tendencies, thus "South Africa's new national identity, while African, is still firmly South African" (Peberdy 2001:29).

The South African concept of citizenship stands in stark contrast to the political rhetoric of 'The African Renaissance'. As stated by then Deputy President Thabo Mbeki:

The new African world which the African Renaissance seeks to build is one of democracy, peace and stability, sustainable development and a better life for the people, non-racism and non-sexism, equality among the nations and a just and democratic system of international governance (Mbeki 1998).

The African Renaissance emphasizes unity among African countries and African people using the Organization of African Unity (OAU) and New Partnership for Africa's Development (NEPAD) as examples of how this can be achieved. South African immigration policies contradict Mbeki's notion of the African Renaissance. Through partnerships such as the AU and NEPAD it has become easier to move goods, services, capital, finance and technology across borders. While immigration laws and practices have made it far more difficult for people crossing the same borders (Nayyar 2000). Hence South Africa's immigration policies are working against Mbeki's ambitions to create a better life for African people and equality among the nations.

In addition to the use and definition of citizenship two other reasons for South Africa's strong emphasis on immigration control and exclusion have been pointed out. First, the misleading notion of a so-called 'immigration-crises'⁵, and second the appointment of Mangosuthu Buthelezi from the conservative Inkatha Freedom Party, to the Minister of Home Affairs in 1994 and reappointment following the 1999 elections (Crush and McDonald 2001). As illustrated through the words of Buthelezi:

With whatever empathy and understanding one may judge the underlying reasons and motivation why people are compelled to leave their fatherland and to seek refugee here, the interests of the RSA and her citizens and legal residents must be our first and foremost consideration (Buthelezi 1995, cited in Peberdy 2001:15).

Refugees: Demographics and Experiences

Most of previous research done on refugees⁶ in South Africa has focused on demographics, work activities, the number of problems they face and the importance of social networks (Hunter and Skinner 2001, 2003, Boaden 2002, Landau 2004a, 2004b, Amisi 2005, Jinnah 2006). After briefly outlining what is known of the demographics of migrants, the findings of previous research are reviewed through four themes – migrants' experiences of xenophobia

⁵ This was already prevalent in Human Rights Watch' (1998:19) findings from 1996-1997 noting that certain public officials used the highest estimates of undocumented migrants in order to suggest a state of crisis with regard to the presence of migrants in South Africa

⁶ The previous research has not necessarily focused exclusively on refugees, but refugees have been part of the research sample categorized as foreigners, African migrants, and forced migrants.

and discrimination; their experiences with the Department of Home Affairs and problems with accessing social and private services.

The nationality of asylum seekers and refugees entering South Africa has been pointed out above. In the case of Durban, the majority have come from DRC, Rwanda and Burundi, and most of these are situated in Central Durban in the Point area. The demographic profile further indicates that most of the refugees are young, single men. Although many of them are well-educated, the majority still ends up working in the informal economy revealing distinct clusters of economic activity within each nationality⁷. For example 60 percent of street barbers in Durban are from the DRC and Burundi (Hunter and Skinner 2003:7). This clustering of economic activities can be partly explained with regards to the strong ethnic networks developed among this group of migrants. As new refugees often tend to get help from more established refugees from the same country, this contributes to increased work specialization since the established refugees are more likely to transfer knowledge and skills and find job opportunities within their own field of work. The importance of the networks among Congolese and Pakistani migrants in Durban has formerly been pointed out by Amisi (2005) and Jinnah (2006).

Previously, asylum seekers in South Africa received a Section 41 permit which usually was a three-month permit to remain in the country (Human Rights Watch 1998:110). However, according to Boaden (2002) there seems to have been a major change in official policy in 2000:

Because of the backlog many people come into the country and apply for asylum and are granted a section 41 permit which entitles them to work until their cases are processed. In terms of the new Home Affairs system, applicants will no longer be issued with Section 41 permits. Instead they will get a new Section 22 permit, which prohibits their working until their refugee status has been approved (Saturday Star 2000, cited in Boaden 2002:4).

These changes came in to effect with the 1998 Refugees Act made operational in April, 2000. The Minister of Home Affairs published a number of Refugee Regulations where Regulation 7 contained a prohibition on work and study for all holders of a section 22 permit (Baguley 2003:11). However, these conditions are to be removed, justified by Regulation No. 366 of the Refugees Act and a ruling from the Cape Town High Court in August 2002 holding that

⁷ Previously pointed out by Rogerson (1997) and Boaden (2002).

the prohibition was unconstitutional and therefore invalid. Yet, until this happens in practice it is very difficult for asylum seekers and refugees to look for and accept jobs (Segale 2004:48). Hence Hunter and Skinner (2003:3) point out that: "In many cases asylum seekers have no choice but to work where barriers to entry are lower in the informal economy, often as street traders".

Xenophobia

The Human Rights Watch (1998:123) documented in 1998 an increasing level of xenophobia since 1994 which further encouraged abuse by the police and Home Affairs officials of both documented and undocumented migrants. This treatment of foreigners as a homogenous group is confirmed in more recent research stating that refugees, asylum seekers and foreigners legally and illegally in the country tend to be dealt with in the same way. Surveys carried out by Southern African Migration Project (2001, 2004) illustrate that South African attitudes towards foreigners are currently very negative. South Africans gave strong support for policies that would place strict limits on or prohibit immigration altogether. Although almost 70 percent agreed that refugees warrant protection, only 47 percent thought that the South African government should give asylum and protection to refugees (Crush 2001, Crush and Pendleton 2004)). Palmary's (2004:66) study found that the Johannesburg Metropolitan Police Department tended to treat foreigners as criminals. Yet, foreigners in Johannesburg are in fact disproportionately victims of crime, particularly in robbery; among others resulting from refugees' lack of or improper documents to open bank accounts and access savings.

Segale (2004:50) argues that xenophobia is one of the single biggest obstructions to integration facing refugees in South Africa. This has recently been illustrated by the number of attacks experienced by Somalis in South Africa. In August 2006, 30 Somali shopkeepers were forced to flee the area of Masiphumelele in Cape Town when a mob of between 200 to 300 locals attacked their shops. Although Tromp (2006:17) argues these attacks happen due to the Somalis being successful businessmen and not because of xenophobia, the counter argument is that the Somalis are attacked because they are successful *Somali* businessmen, hence the South African businessmen's jealousy has ethnic roots. Another example is the Zimbabwean refugee who sued her pastor for making discriminatory comments about her in church. She further said in her affidavit: "[The pastor] hated me and still hates me because I'm an immigrant, African and a refugee" (Olivier 2006:4). The xenophobic attitudes

experienced by refugees from officials, the police, in school, and in the community, must be understood in relation to the South African concept of citizenship and its view on immigration linking refugees to increased crime, unemployment, drug abuse and disease.

Problems with the Department of Home Affairs

During the Apartheid regime, the Department of Home Affairs was considered one of the most corrupt departments in South Africa. The Department continues to be characterized by administrative incompetence and arbitrary and uninformed decisions after 1994, under Home Affairs Minister Mangosuthu Buthulezi⁸ (Landau 2004b:7). Clearly, this has caused huge problems for asylum seekers and refugees trying to access identity documents. The importance of these documents is highlighted by Landau (2004b) arguing that identity papers can promote social integration by providing a sense of belonging as well as giving migrants the chance to contribute to their physical and social environment by living securely and exercising their skills. The research conducted by Human Rights Watch in 1996-1997 revealed high levels of corruption in the refugee determination process. However, recent research indicates few changes on this issue. Segale (2004:47) gives the following example: “Asylum seekers and refugees consistently allege that they are not allowed into the offices of the Refugee Reception Centers unless they are willing to pay a bribe to the Security Guards at the doors to the building”.

While the asylum seekers are waiting for their cases to be considered, they receive a section 22 permit which until recently put a prohibition on refugees studying and working. Although this was successfully challenged in court, the DHA in Johannesburg continued to insert the prohibition on permits and would only remove it at the request of the asylum seeker (Bhamjee and Klaaren 2004:60). Further, the Section 22 permit has to be renewed at least twice a year, and this must be done in the office where the asylum seeker originally applied effectively limiting their freedom of movement. The long backlog of applications at the Refugee Reception Centers has been used by migrants not eligible for refugee status as a way to legitimize their stay in the country. This in turn further increases the number of applications in the system. Because of this backlog many asylum seekers are living in an administrative ‘limbo’ where their status is unclear and their rights to services ill defined (Gotz and Landau 2004:17).

⁸ Replaced in 2004

Findings from a study done on the Refugee Reception Office in Cape Town 2002 showed long queues, outdated and misleading signs, inconsistent intake procedures, and no facilitation for disabled and children (Sterken 2003). Further, refugees have complained that signs are in English, permits with adequate justification have not been renewed, refugee identity documents are delayed, and xenophobia and discrimination is exercised by the DHA officials. Hence, refugees are facing both administrative and xenophobic problems at the Refugee Reception Centers (Segale 2004:49). The most striking finding from a survey carried out in 2004 by the Southern African Migration Project (SAMP) on the quality of migration services delivery in South Africa revealed a significant high level of officials being unfamiliar with the Refugees Act. Although some of these officials were employed as Administrators, Clerks and Maintenance staff, 43 percent of Immigration Officers stated that they were unfamiliar with the Act. This was also the case for officials working at border posts and airports. As these people often are the first point of contact for asylum seekers, Davids *et al* (2005:53) highlight the need for training programs and other measures to ensure that these staff have a more in-depth understanding and knowledge of the legislation.

Access to social services

Article 22 of the UN Refugee Convention states that refugees are entitled to the same treatment as nationals with respect to elementary education, and further that they shall accord as favourable treatment as possible, or at least not less favourable than that accorded to non-nationals generally with respect to education other than elementary education (UNHCR 1996:26). This is confirmed in article 27 of the Refugees Act (130 of 1998) declaring that: “A refugee is entitled to the same basic health services and basic primary education which the inhabitants of the Republic receive from time to time”. The most evident barriers for refugees trying to access education are expenses such as school fees as well as the costs for transport, books and uniforms. Thus, this problem is rooted in the larger issue of poverty, something that affects both South Africans and refugees (Winterstein and Stone 2004:79, also see Sabet-Shargi 2000). Other problem areas are discrimination due to language and age, as well as teachers not being aware of the impact of traumatic experiences thus dismissing refugee children as unruly or uncooperative. Education helps people to maintain a normal routine, increases their sense of security, and is a key factor in creating a skilled and creative

workforce. It is thus crucial that the government implement measures to eliminate the barriers to education faced by refugees and South African citizens.

In the case of health care the South African Constitution (1996) says that everyone has the right to health care services, including reproductive health care (Section 27 (1)). However, research shows that refugees are often not able to exercise their full rights to public health services, and are sometimes even denied access or charged fees they are not supposed to pay (Landau 2004b:11). Pursell (2004:95-97) identifies ignorance both among refugees and health care workers as other possible problems. Refugees may not know that the health system in South Africa requires you to make a claim at a clinic before being referred to a hospital, thus if refused service at a hospital they may assume they will not get it anywhere. Ignorance among health care personnel is illustrated through perceptions of all immigrants as illegal, or low awareness of the specific rights of refugees. Finally, the issue of xenophobia is demonstrated through refugees being denied emergency health care, and/or when accepted into the clinic having to wait longer than South African clients.

Within a constitutional framework, Section 8.4 of the Bill of Rights grants the “Right to Housing” to all “juristic persons”, with no distinction made between ‘person’ and ‘citizen’ (Republic of South Africa 1996). Further, the United Nations Conference on Human Settlements’ (UNCHS) Habitat Agenda document commits the Government of South Africa to find ways to ensure “equal access to affordable, adequate housing for all persons and their families” (UNCHS 1996, cited in McDonald 1998:8). According to McDonald (1998) South Africans are in general negative to non-citizens being eligible to buy a house or get a housing subsidy. Refugees need to move frequently because of lack of secure housing at affordable prices, lack of identity documents and exploitation by the landlord. As a result of this refugees, on average, pay more for rent than South Africans. Further, the subdividing of houses and flats into smaller and smaller units increases health risks, limits security and reduces the area in which to be productive. The latter especially affects women (Sadie and Borger 2004:86, Boaden 2002:14). Hence, Sadie and Borger (2004:86) state that: “A lack of safe, short-term accommodation for newly arrived refugees and asylum seekers (...) is one of the most immediate issues that must be considered”. Further they argue for the incorporation of refugee organizations into discussions on housing policy as this can both help to ensure that refugees are guaranteed housing, and facilitate improved infrastructure maintenance and a commitment to the city.

Access to private services

According to Landau (2004b) lack of access to bank accounts or a safe place to keep the cash constrains refugees' economic activities and their ability to survive and contribute to the city as well as decreases their possibility of saving and investment. Further it makes it more difficult to start and/or expand business which not only affects refugees' livelihood, but also their ability to create jobs for others. Due to the lack of access to credit, some refugees have to rely on loan sharks and other forms of lending contributing to unregulated and potentially dangerous forms of monetary exchange. Refugees having no access to bank accounts are also at a greater risk of being targets for crime or police extortion, as many refugees are known to carry cash. He (2004b:12) further states that: "Although current banking legislation technically prevents anyone except permanent residents and citizens from opening bank accounts, this policy may be waived on a discretionary level as often done with people in the country on temporary basis". While having a Refugee Identity Document does not guarantee access to bank services, South African banks usually do not allow refugees to open accounts without it. Hence refugees' inability to access these documents constitutes a major barrier for accessing financial services, while asylum seekers with Section 22 permits are not eligible to open bank accounts at all (Jacobsen and Bailey 2004:100).

In Johannesburg, the Jesuit Refugee Services and UNHCR have implemented credit programs for small group of refugees. However, as pointed out by Ballard (2004:105) none of these facilities have yet been negotiated in Durban. Thus, this constitutes an area where Durban-based NGOs working with refugees should pay increased attention in their lobbying and advocacy.

This chapter has considered the international migration context as well as the specific experiences of South Africa. Relevant immigration policies have been analyzed together with South Africa's negative perception of refugees. It has been argued that South Africa's policy stance contradicts President Mbeki's notion of 'The African Renaissance'. It appears that migrants – documented and undocumented- are largely young and mostly men. There are common experiences of discrimination and xenophobia; problems with the Department of Home Affairs and other state institutions; as well as various difficulties in accessing social and private services. They are thus a particularly vulnerable group. The role of NGO support in this context thus becomes all the more important.

Chapter 3. The World of Non-Governmental Organizations

The literature concerning Non-Governmental Organizations (NGOs) is extremely comprehensive and covers a number of areas and case studies. As this research focuses on the support-agency structure for refugees living in Durban by specifically examining the role NGOs play in this setting, findings from previous NGO literature will be presented and drawn on in order to place this topic within a broader NGO context. Issues of concerns for NGOs and different features characterizing NGOs will be illustrated in order to understand the way in which NGOs see and describe themselves within the development agenda further posing possible methodological challenges of doing research on these organizations. After a brief introduction of the history of NGOs, this section will look at definition and types of NGOs, NGO autonomy and accountability, and the role of NGOs within the New Policy Agenda; all of which point out the diversity of NGOs and some of the different settings affecting NGOs' role and room to manoeuvre.

The history and growth of NGOs

Inherent in the discourse of development lies the issue of trusteeship - who can claim to act on behalf of others to promote improvements? For a long time it was assumed that the state was the agency best able to carry out this role, yet since the end of the 1970s the state's monopoly over development activities has weakened and other agencies of development such as inter-governmental organizations (United Nations, World Bank and the International Monetary Fund) and non-governmental organizations have gained a higher profile (Thomas and Allen 2000:189-190). Linked to the state's declining monopoly on development activities, NGOs came to be seen by many as effective and efficient entities for delivering international relief and development programmes during the latter part of the 1980s and the early 1990s (Commins 2000:71). This shift is connected to neoliberalism becoming the dominant development discourse after the end of the Cold War. Even though NGOs had been active in delivering welfare services for a long time, they now became the preferred channel deliberately substituting the state. Hence they were to be seen as "vehicles for 'democratization' and crucial components of a thriving 'civil society'" (Edwards and Hulme 1995:4, Hulme and Edwards 1997:5-6).

As NGOs became a major phenomenon in the development agenda, certain comparative advantages were highlighted such as NGOs' small size, links to the grassroots, sympathetic values and capacity for efficient service (Hilhorst 2003:213, see also Biggs and Neame 1995:34). Hailey (2001) further describes NGOs as a distinctive force in the development field:

[The NGOs] had a unique identity, based on a clearly articulated set of values and ideological purpose. These were commonly based on ideas of people-centred development; participation and empowerment; local legitimacy and sustainability; good governance and democratization; transparency and shared learning (Hailey 2001:165).

However, in the 1990s NGOs' effectiveness and close connections to the grassroots were increasingly questioned. Also, the concept of a 'comparative advantage' was the language and arguments of neo-classical theory. This theory emphasises value for money and cost-efficiency, ideas which contradict core values of NGOs. Increased efforts were needed to evaluate personnel and work processes of NGOs. This became important as donor priorities shifted after the end of the cold war and NGOs were receiving their income from the official aid chain rather than public giving. The debate on NGO accountability and legitimacy and how to evaluate this will be further elaborated below. Yet, it seems crucial that if NGOs want to distinguish themselves from other aid recipients they need to have sufficient organizational capacity; use their funds effectively; and identify, articulate and nurture their own core values and identity (Biggs and Neame 1995:34, Fowler 1995:143, Hailey 2001:163).

The Diversity of the NGO scene

First it should be emphasized that NGOs do not constitute a single reality, hence the question of why NGOs are formed, how they are given meaning and how they operate will not have one single answer. Further, as Tvedt (2002) points out, NGOs share systemic and relational similarities rather than essentialist, ideological characteristics. He thus argues that the main challenge when developing research designs on NGOs is to integrate the homogeneity and the heterogeneity of the NGO scene. However, as NGOs have become recognized actors in world affairs over the last 15 years, they have attracted increasing attention in academic research.

There are a number of ways of categorising NGOs. Thomas and Allen (2000:211) for example have two categories - mutual benefit organizations based on membership, and public

benefit organizations supplying services to others. Slim (2001) discerns between 'humanitarian' and 'developmental' NGOs. While Martens (2002:282) define NGOs as "formal (professionalized) independent societal organizations whose primary aim is to promote common goals at the national or the international level", Dorothea Hilhorst (2003) is not too concerned with the normative definition of NGOs. Instead she defines the term of NGO as a label claiming that the organization does good for others, thus rather focusing on *why* actors take on this identity, and *how* they find recognition and legitimization. In order to understand these organizations Hilhorst argues for an actor-oriented approach emphasizing organizations as open-ended, without fixed boundaries and as operating in multiple societal settings and overlapping networks. Implied in an actor-orientation towards everyday practices lies the premise that all social actors have agency; the actors' experiences, knowledge, capabilities and social networks affect their interpretations and responses to development. The methodological consequences following from utilizing the actor approach is for the researcher to observe and analyze how NGOs define a situation, choose their goals and find room to maneuver to realize their projects. This needs to be understood both in relation to people's motivations, ideas and activities; and their past and present surroundings, social networks and histories (Hilhorst 2003:5-6).

The distinction between Southern and Northern NGOs has been pointed out by a number of authors (see Commins 2000, Eade 2002, Edwards and Hulme 1995, Nelson 2002). Nyamugasira (2002) explains the difference by stating that Northern NGOs (NNGOs) have more operational roles concentrating on research, empowerment and networking. While they focus on the structure of the world's trading system, financial and investment flows, energy consumption and intellectual property, Southern NGOs (SNGOs) are assumed to more effectively hear and represent the authentic voices of the poor and implement local projects. The diversity of NGOs, both in the North and South, is further highlighted by Hailey (2001) illustrating that in the North you find large semi-donor NGOs, broad-based development NGOs, specialist NGOs, advocacy agencies and emergency relief agencies, while in the South the diversity ranges from small grassroots and community-based organizations to large multi-programme development agencies (Hailey 2001:164). Hence, as NGOs operate variously at local, national and international levels they should not be expected to work in similar ways. NNGOs are more concerned on the international level focusing on campaigning and charity/service-providing generally having branches in the Southern countries where they work. SNGOs have stronger local and national concerns focusing on research and

campaigning, national service-providing and rural development (Thomas and Allen 2000:211-212).

A case study from Heliwa district in Mogadishu, Somalia illustrates how both Northern and Southern NGOs benefit from mutual collaboration. Because of war and famine in Somalia, half of Heliwa's population was estimated to be displaced or internal refugees. The British NGO Agency for Cooperation and Research in Development (ACORD) focused its work on environmental sanitation by cooperating with two local NGOs working in several displaced camps; "The partnership enabled the agency to gain experience of the problems faced by Somali NGOs and of how best to support them" (Bushra *et al* 1996:27). Later this project expanded into a separate programme set up to support Somali NGOs throughout the country. Hence, collaboration between NGOs from the North and South is crucial for achieving broader goals and for developing a more comprehensive approach. As this example indicates; if NGO advocacy is to carry authority in the future, it must move more towards a participatory, collaborative and people-centered advocacy including expertise from both Northern and Southern NGOs.

In addition to the distinction between Northern and Southern NGOs, it is important to get a better understanding of the background of religious and human rights based organizations as they are very active in refugee support activities. Although many religious NGOs subscribe to a rights approach, the individualistic nature of the rights can stand in opposition to a more group-oriented approach originating from a specific faith (Harris-Curtis 2003). Within the African context church groups have, besides government, historically been important agencies involved in development work, often as a result of the failure of government policies and inability of international aid agencies to deliver service and respond to needs (AACC and MWENGO 1993). Today an increasing number of organizations are defining themselves in religious terms. Religious NGOs (RNGOs) are described as:

[F]ormal organizations whose identity and mission are self-consciously derived from the teaching of one or more religious or spiritual traditions and which operates on a nonprofit, independent, voluntary basis to promote and realize collectively articulated ideas about the public good at the national or international level (Berger 2003:16).

Findings in Berger's study (2003) on 263 United Nation's-affiliated RNGOs revealed that the degree to which these organizations emphasize the religious or spiritual foundation for their

actions varies considerably. Although activities carried out by RNGOs often are similar to those of secular NGOs, they do concern themselves with the spiritual well-being of the individual and society. Further they have access to ready-made constituencies; tapping into church groups and congregations. As people often make time for church and church-related activities, RNGOs are in a unique position to reach the people they target. A number of authors have argued that attention needs to be paid to the role of religious organizations in development. These organizations' links to extensive networks of believers can embody the means to reach and mobilize considerable portions of the world's population (Berger 2003:36-37, Dicklitch and Rice 2003:662, Ferris 1994:24).

Since RNGOs base their legitimization on religious or spiritual values, Harris-Curtis (2003:562) points out that the rights-based approach may fill the same need for secular NGOs. As human rights are concrete and bound to enforcement mechanisms NGOs can respond to the challenges of inclining moral high ground and of promising too much. Further, Human Rights often constitute a crucial part of a country's governance and reputation:

Neither I nor anyone else can say anything more challenging and demanding than that all of us must act to ensure that the vision represented in the Universal Declaration of Human Rights is translated in our countries and throughout the world into a movement towards the universal achievement of these human rights (Speech by President Thabo Mbeki, 28th of August 2001).

Human rights NGOs are in a unique position due to the crosscutting dimension of human rights and their universal appeal. However, the rights-based approaches are written mostly by educated, institutionalized members of the Western development community. Further, the 1948 UN Declaration was dominated by the political forces at that time. Thus only by regarding these rights in a non-normative way can NGOs understand how rights are interpreted in other cultures and societies. There is a need to balance a belief in the universality of rights with the respect for diversity and difference (Harris-Curtis 2003:561-562, Eade and Ligteringen 2001:17, Tuijl 2000).

In order for NGOs to legitimate their role, Hilhorst (2003) argues the organizations must convince others that a situation/population needs development; that the intervention of the NGO is indispensable and appropriate without self-interests; and that the NGO is trustworthy and capable of carrying out the intervention. Further, an NGO's representation is described as what the organization is, does and wants, hence the process of legitimation centers around

making certain representations more acceptable than others and are thus connected to power-relations (Hilhorst 2003:215,222). Most NGOs rest on multiple sources of legitimacy as they advocate for causes they believe in, but also need to show knowledge on the subject and a genuine dialogue with those they seek to represent (Eade 2002).

According to Chapman and Fischer (2002), NGOs can legitimize their work drawing on five different bases for legitimization. First, seeking to influence policy by pointing to practical experience on the ground works well for grassroots NGOs, but can be challenged if NGOs claim to speak for people they have not genuinely been in contact with. Yet there is also need for long-term work at grassroots level *after* policies have been implemented, thus emphasizing a policy-to-practice way of legitimating the NGO's work. Second, promoting a particular value which is widely recognized within society can be powerful when relating to 'natural' values many feel or values enshrined in international conventions. However, value-based organizations can be accused of selecting values to ensure funding from overseas and for 'talking' and not 'doing'. Third, gaining legitimization by knowledge and research is most useful and relevant for more technically based policy issues, but it is open to challenge by views based on alternative research. Fourth, strengthening democratic principles and practice is necessary for civil-society aims and require long-term engagement, though it may have weaker impact at higher policy levels. Finally, getting legitimization through alliances and networks gives strength of numbers and makes it easier to spread information to a wide audience. This still requires the NGOs to settle issues of who 'owns' the work and to develop a significant and effective management (Chapman and Fischer 2002:125).

As the examples above illustrate, organizations have different ways of claiming legitimization further operating in different contexts using different languages. Additionally, there may be large gaps between what an agency says it believes and does, and the way in which it actually behaves; all of which point out some methodological concerns when studying NGOs. Yet, being aware of the 'role-play' of NGOs and the fact that these organizations do not necessarily present their work and perceptions the same way to all people will help the researcher to interpret the information collected.

Assessing NGO Performance

This section highlights some of the key themes with regards to the internal workings of NGOs - assessing NGOs' performance, accountability, and autonomy. These are complex inter-related issues. The performance and multiple accountabilities of NGOs will first be outlined, after which the concept of NGOs' autonomy is further examined focusing on the aid chain and its effects on NGOs' independence. How NGOs manage these issues will strongly affect their work and room to maneuver hence they are crucial components to take into account when analyzing the role of NGOs.

Performance and Accountability

Edwards and Hulme (1995:6-7) argue there is increasing evidence that NGOs and Grassroots Organizations (GROs) are not performing as effectively as had been assumed in terms of poverty-reach, sustainability, popular participation, and flexibility. However, NGOs have achieved a lot in areas such as securing human and political rights, training grassroots activists, building stronger local institutions, and promoting micro-policy reform. NGOs' performance can be difficult to assess as NGOs often do a mix of functions, and there are a number of external factors affecting the development process. Further, the 'product' of NGOs' endeavors is not produced by NGOs but by (poor) people themselves making the assessment procedure even more complicated. Thus, Fowler (1995:152) states that for an NGO to be effective it needs the ability to be (maintain identity, values and mission), to do (most indicators have been developed to evaluate this), and to relate (manage interactions while retaining autonomy). When combined, these three areas of organizational ability determine the overall performance of NGOs.

In support of this Hailey (2001:170) and Tandon (1995) also point out that NGOs' need to identify and develop organizational capacities and management competencies in order to best serve the needs of their members, supporters and the community in which they work. To do this the NGO must encourage local legitimacy through participative planning hence letting the target community be represented in decision-making meetings. In addition the NGOs must collaborate with other NGOs working in the same area demonstrating willingness to enter dialogue and share experiences with them (Hailey 2001:167-169). The importance of participative planning is, among others, illustrated in a case study done on refugee assistance in Transitional Slovenia (Elliot 1996). According to Elliot, refugees were not included by the

NGOs in the planning, implementation or evaluation of many of the NGO projects. Thus, rather than letting the refugees participate in the decision making, they were treated as objects further hampering the development effects.

Although participation of local NGO stakeholders in policy discussions and accountability processes is frequently given primary importance; in practice the influence of local people is often negligible. This is linked to what Edwards and Hulme (1995:12) call 'distorting accountability' pointing out how donors are reorienting accountability upwards, away from the grassroots and NGO self-regulation. If NGOs do not show the stakeholders that they are doing a reasonably good job with their clients, they risk losing their appeal for funding agencies; their legitimacy as advocates; their credibility in the eyes of media and the people; and their status as an organization doing good for the benefit of others (Hilhorst 2003:222-225). Edwards and Hulme (1995:11-12) argue that the dilemmas of accountability cannot be solved, they have to be managed. Since so few agreed performance standards exist, NGO evaluation and accountability are inevitably a matter of judgment and interpretation. Thus, accountability must be managed as a process of negotiation among stakeholders rather than the imposition of one definition of 'effectiveness' over another.

NGO Autonomy: The donor-NGO relationship

According to Wells (2001:76) there are four elements contributing to an organization's independence - its importance must be marketed through developing programs in response to ongoing needs; the general perception including the organization's reputation and positioning; popular support (in addition to support from the beneficiaries); and a mix of revenues. These factors are the essence for achieving independence for all NGOs. By increasing the organizational (including financial) independence, NGOs strengthen their ability to bring about change. Funding has been and will always be a problematic issue for NGOs. When accepting increasing volumes of foreign aid, the NGO enters into agreements about what is done, and how it is to be reported and accounted for further having to prioritize certain activities, techniques and achievements. Previous evidence from Africa even suggests that NGOs depending on external funding are more likely to be ignored as 'illegitimate' by their own governments in policy debates.

We must also draw attention to the fact that many of our non-governmental organisations are not in fact NGO's, both because they have no popular base and the

actuality that they rely on the domestic and foreign governments, rather than the people, for their material sustenance. As we continue the struggle to ensure a people-driven process of social transformation, we will have to consider the reliability of such NGO's as a vehicle to achieve this objective (President N. Mandela 1997).

As expressed by then President Mandela, it becomes a problem when NGOs are more influenced by foreign donor policies than by what is going on locally or internationally. Further, findings from Sabatini's study (2002) illustrate that most donors are searching for organizations that work on issues that donors define as a priority, often leading to young, western-oriented leaders who speak English. This should provoke a deeper understanding by donors of the realities and limitations of the kind of civil society they seek to promote and support. Yet development practice has become a legitimate area for donor intervention and conditions with donors becoming more selective in the types of organizations and activities they will fund.

The aid chain is often highly complex due to the series of links in which the aid flows through. Yet requirements and conditions almost always flow down the chain with only a few cases where donors have been accountable to their recipients. Bornstein's study (2003) on funding from United Kingdom to NGOs in South Africa revealed a trend towards paying for projects rather than for core costs. Also, some essential NGO activities such as organizational development; pilot and more experimental approaches; and longer term impact analysis are difficult to fund. Access to international funding is very restrictive as it excludes smaller, less capitalized organizations. The study concludes that some NGOs are increasingly formalized, professionalized and integrated into global aid chains. These organizations appear capable of managing aid within the confines of the existing aid system and thus have more autonomy. A number of smaller organizations are also doing well based on sectoral specialization or strong alliances with sympathetic donors. Yet, for the rest, the international aid system provides scant financial resources (Bornstein 2003:7-9).

The need to 'scale-up' and collaborate

The neoliberal development discourse has dominated the development context for the last 20-25 years, further affecting the role, work and perception of NGOs. In particular, the relationship between the state and NGOs has been analyzed: whether NGOs are used by governments as 'gap-fillers' providing services they themselves cannot offer and maintaining

neoliberal policies, or alternatively, whether NGOs, inspired by alternative ideologies, constitute a counterpoint to the neoliberal discourse. Pearce (2000) argues that even though pressure from NGOs have made multilateral and governmental institutions more socially aware and 'human-oriented', NGOs still accept funding from these institutions without questioning the philosophy of market-led globalization. It becomes a problem for NGOs when their funding is conditioned to the neo-liberal agenda many believe is part of the problem faced by the poor. By participating in implementing social safety-net programs accompanied by the donor's neo-liberal policies, NGOs have come to sacrifice some legitimacy in their own societies. Still, the disturbing scale of material poverty and the size of gaps in access to basic services in many poor countries necessitates that NGOs continue to play an important role in service-provision and 'welfare'. However, this cannot be a permanent substitution for the state if progress is to be equitable and sustainable (Edwards and Sen 2000:607, Pearce 2000:21, 24 Edwards and Hulme 1995:225).

Main strategies to increase impact

NGOs have accomplished most progress at the level of detailed policies, less at the level of ideology and global systems. Therefore, NGOs are looking for ways to 'scale-up' their influence so that their small-scale successes have greater and more long lasting impact. Edwards and Hulme (2000) examine four different strategies for NGOs to increase their influence, which will be outlined below. The strategies are not mutually exclusive, often overlap each other, and can further be complimented by legal reform and alliance building among NGOs.

First, scaling-up via operational expansion means that NGOs expand their projects and/or programs which have been judged to be successful. NGOs taking this approach must be aware that the advantage of NGOs (links to grassroots, flexibility and capacity to experiment) can be lost when expanding, and internal organizational objectives may displace development objectives. For instance, White (1999:321) argues that in Bangladesh, the increased size of NGOs has inevitably meant weaker links to the grassroots, and earlier pioneering has been replaced with an ethic of efficiency and professionalism. Second, due to the high profile given to NGOs in neo-liberal thinking on 'governance and democracy' it has created new opportunities for NGOs to increase their impact via advocacy and lobbying. The main obstacles experienced by NGOs are competition for funds, weak linkages within NGOs, and

donors seeing NGOs as project implementers rather than participants in a policy dialogue (Edwards and Hulme 2000:51-53,59).

Third, NGOs can foster the growth of grassroots organizations and people's organizations further encouraging them to link up through networks and federations. This strategy makes it possible to scale-up without weakening the organization's legitimacy or accountability. Key issues to be dealt with are how these grassroots organizations can avoid being dependent on the sponsoring NGO, and whether they should remain politically unaffiliated (Edwards and Hulme 2000:54, 60). Finally, NGOs may increase their impact by co-operating with the government; "The state remains the ultimate arbiter and determinant of the wider political changes on which development depends, and it controls the economic and political frameworks within which people and their organizations have to operate" (Edwards and Hulme 2000:46). Although this collaboration implies the NGO working within the constraints of government systems, there is a crucial need to make government bureaucracies more responsible to grassroots needs.

Case studies on NGO collaboration and partnerships

The need for increased collaboration, not only with the government, but also with other stakeholders such as grassroots and civil society organizations, NGOs' clients and members, other local, national and international NGOs, business and donors are repeatedly mentioned in the NGO literature⁹. This collaboration will help NGOs to place their work within a wider framework of political, economic and social changes hence their achievements at micro-level can have greater impact. Thus, collaboration is linked to Edward and Hulme's (2000) strategies to increase influence described above. The final part of this section will illustrate some of the collaborative experiences from previous research demonstrated through case studies from Tanzania and East Timorese.

Findings from Whitaker's (2001) case study on refugee assistance provided by NGOs in Tanzania between 1994 and 1998 revealed lack of integration between refugee relief and local development. Further, International NGOs (INGOs) started their operations with little regard for local government institutions, highlighting lack of coordination between INGOs and local structure. Although donors preferred NGOs as implementing partners rather than government

⁹ See Brunnstrom 2003, Commins 2000, Eade and Ligteringen 2001, Nyamugasira 2002

departments, the NGOs later set up district-level coordination meetings, and the relations with district government staff improved. Yet, external actors dominated the operation from the beginning, and the collaboration between the different development agencies was partial. International agencies became a substitute for government in certain areas of socio-economic development, as they in the short-run were more capable of delivering these services. The NGOs were invited to participate in economic and social development, but not in politics. Although refugee assistance should be development-orientated taking into account host population needs, the experiences from Tanzania suggest that refugee relief and local development have yet to be effectively integrated.

Brunnstrom's (2003) study on international support to East Timorese NGOs illustrates that if stable, independent and viable civil societies are to develop, international NGOs have to promote a bottom-up approach in their support to and collaboration with local NGOs. While international organizations assumed that the best functioning systems and institutions were the ones dominant in Western countries, local NGOs complained about the international organizations' poor knowledge of and interest in local circumstances, culture, traditional social structures, and language. The East Timorese experience points out that there still is a significant gap between rhetoric and practice when it comes to concepts such as participation, accountability, coordination, respect and trust. Thus, it is critical that indigenous NGOs define the criteria determining how they make their choices and establish their identity in order to be clear about their own role and position within development project and policies.

This chapter has reviewed literature illustrating definitions and categories of NGOs and how this affects their legitimacy and room to maneuver. How to understand the internal workings of NGOs were further considered focusing on NGOs' performance, accountability and autonomy and how NGOs manage the issue of funding and pressure for upwards accountability. Finally the role of NGOs was explained within the neoliberal development context illustrating the importance for these organizations to increase impact and broaden their partnerships. The latter was illustrated through case studies from Tanzania, and East Timorese revealing different problems related to NGO collaboration.

Chapter 4. Methodology

Previous research has mainly covered issues such as the demographics and experiences of migrants. This research seeks to build on these by examining the role of NGOs within the support-agency structure for refugees living in Durban; what organizations are available; what assistance is offered; how do they perceive the situation of migrants; how do they work; and to what extent do they collaborate. The research adds to prior literature by examining the situation of refugees through the eyes of people employed in NGOs who have been involved in refugee issues for an extended period of time. In order to explore this topic, a qualitative methodology was found to be best suited. This included a small sample giving extensive and detailed interviews.

With Durban being the second largest city in South Africa and home to a number of different migrants it serves as an appropriate site for analysis. In order to map out what service providers were available for migrants, a suggestion was made by Mr Baruti Amisi¹⁰ to visit Lawyers for Human Rights (LHR) based in Diakonia Centre. During this visit, the researcher was presented with a document published by the National Consortium for Refugee Affairs (NCRA) listing seven refugee service providers in Durban. These organizations were used as a starting point for the research including Lawyers for Human Rights, Refugee Pastoral Care, Mennonite Central Committee, Planned Parenthood Association of South Africa, The South African Red Cross Society, Union of Refugee Women, and International Refugee Service (NCRA 2006:32-34). As part of the interviews with the original seven organizations and later with the refugee community leaders the snowball method was used in order to map other organizations working in the same field. Hence, three organizations were added to the sample - the KwaZulu Natal Refugee Council, Siyagunda Association and the South African National Zakah Fund. Due to the multiple and continuous problems refugees experience with the DHA and their IDs, additional interviews with Lawyers for Human Rights' branches in Pretoria and Johannesburg were done. The previous Director of NCRA as well as three Durban refugee community leaders were also interviewed. Access to the latter was negotiated with the assistance of Mr. Amisi.

¹⁰ Mr Amisi recently completed his master dissertation on livelihood strategies of Durban Congolese refugees and is the Chairman of KwaZulu Natal Refugee Council.

The research includes ten semi-structured interviews with organizations working with refugees in Durban. Each interview took on average one hour. Further, one interview was done with LHR in Pretoria, and two telephone interviews were done with LHR Johannesburg and the previous director of NCRA. Finally, three interviews were done with refugee community leaders from Rwanda, DRC and Burundi. Thus the research includes 16 interviews altogether. These were conducted between the 11th of September and 17th of December 2006. As illustrated in Appendix A, most of the interviews were done in the organizations' offices with the exception of KZNRC; the telephone interviews and the refugee community leaders.

Interviews

In a semi-structured interview, the themes for the questions are chosen in advance. As Thagaard (2002) suggests, the order of the questions asked was decided as the interview went along. In this way, the researcher could both follow the informant's information and make sure that she received data on the themes decided upon in advance. The themes selected for this interview scheme were informed by the literature presented in Chapter 2 and 3. The interview scheme was divided into 16 main questions with 12 of them having additional prompts for follow up questions, see Appendix B.

The first question was quite open and had a dual purpose of making the informant feel comfortable talking about the organization in general. Yet the information revealed would link to previous literature on NGO definitions, diversity and legitimacy. The second question was informed by the policy analysis and had the objective of illustrating how the NGOs have experienced the changing policy environment. The third question reflects on the NGOs' experiences with people who are migrating, their reasons for migrating and why they are coming to South Africa - linking to the theories of why people migrate. Question four and five deal with how the NGOs see the refugee environment and the problems experienced by their clients. Question six to eight examine the explicit work of the organization as well as their internal workings and possibility to increase influence and impact drawing on themes discussed in Chapter 3.

After these eight questions, the informant had usually become comfortable with the interview situation, hence a few more 'sensitive' topics such as the organization's structure and access

to funding were presented. Question 12-15 are all linked to the NGOs' relationships to other stakeholders drawing on the last section presented in Chapter 3. Finally the 16th question serves to round up the interview by providing the informant the opportunity to give recommendations to the state.

The interview scheme for the refugee community leaders followed a similar structure, see Appendix C. First a brief background of the refugee leader was given. Then the more specific experiences when coming to Durban were described with regards to the refugee environment itself and what support organizations were available to them. The last section of the interview scheme focused on the refugees' perception of the NGOs; what is available; what is being done; what should be done; and what recommendations the refugee community leaders would give to the service providers.

The researcher both taped the interviews and took notes. The recordings allowed for verbatim transcripts, while the notes contributed to organize the analysis and point out non-verbal messages of the informant. This also functioned as a back-up in case the recorder did not work or had to be stopped. As English is the researcher's second language using a tape-recorder also made revisiting all the material possible.

Observation

Although most of the research material was collected through interviews, observation was used in two ways to compliment, interpret and add to the interview-findings. First the interviews were combined with observation of the setting, atmosphere, how the informant presented and expressed herself/himself, how the informant reacted to the question etc. Secondly, the researcher was lucky enough to be invited to a 'mini-tour' of the city area next to Albert Park with the Burundian refugee community leader. He presented the researcher to refugees he knew and asked them to show what their refugee papers looked like. Also, in the park he pointed to a large group of male refugees playing football explaining how they cannot find work and that there is nowhere for them to go. Although the walk and conversations with refugees were short they contributed to the researcher's understanding of the refugees' situation.

Analysis

Analyzing qualitative data is a continuous process linked to the various decisions made by the researcher during the research period. Qualitative analysis is divided between studies focusing on the meaning of how the informants express themselves (discourse analysis), and studies focusing on the textual content (text analysis). The discourse-concept is especially linked to rules and norms of how people within a cultural context talk about specific issues, with the analysis examining how each of the informants talks of the different topics relevant for the research. Text analysis focuses on the meaning of the text's content and can either be a 'case-focused analysis' presenting material where people are the main focus, or 'issue-focused analysis' focusing on the topics of the material. The latter being most relevant for this research as the research findings could be grouped into four topics presented in Chapter 5.

Analyzing the research on NGOs and the way they perceive the situation of refugees creates a necessary awareness of the way people present themselves and their motives. Both Hilhorst (2003) and Goffman (1992) underline the importance of understanding different actor's intentions and motivations. Organizations are not to be treated as a 'thing', but rather be viewed as open-ended, without fixed boundaries and operating in multiple social settings and overlapping networks. Hilhorst (2003:5) underlines the need for an actor-oriented understanding of the organization of NGOs arguing that:

[A]ctors have agency. They reflect upon their experiences and what happens around them, and use their knowledge and capabilities to interpret and respond to development. People are social actors, whose agency is shaped by their life worlds, experience and social networks, among other factors.

This was something that the researcher had to continuously be aware of in the interview situation and later during the analysis process.

Ethical concerns

Durrheim and Wassenaar (1999:65) point out that: "The essential purpose of ethical research planning is to protect the welfare and the rights of the research participants". Thagaard (2002) elaborates on the ethical responsibility of researchers emphasising the importance of getting an informed consent from the informants, confidentiality, and to protect the participants from any negative consequences. To meet the different ethical principles the people participating in

this research were given a full explanation of the research topic and the interview questions before they decided to participate in the research. However, the study does not specifically deal with sensitive issues. Only one informant requested for their name not to be used in the material. It was made clear that the participation was voluntary, and that the informants could withdraw their participation at any time. Further, the researcher was available to answer any questions from the informants during the writing process.

Biases, limitations and problems experienced

Every attempt was made to find and interview the dominant NGO's operating in Durban. The findings are, however, only valid for these organizations. Although they might point to general concerns in the NGO support environment, these would have to be confirmed by follow up interviews with NGO's operating elsewhere. Yet, even in the current research process no interviews were conducted with the organizations' clients to confirm their claims. Further, as NGOs operate in different realities they seek to represent the 'accepted' roles and give the right impressions drawing on a multiple set of experiences and defined roles. By understanding the interview process in light of the theory of role-play¹¹ the interview as a social performance is highlighted and the conversation needs to be interpreted in relation to this understanding.

The findings may contribute to a greater understanding of which service providers are available to refugees in Durban; what they do; how they perceive the refugees' situation; and to what degree they collaborate. This can help the organizations to map out their benefits and challenges ultimately creating a more efficient and comprehensive support-structure for the refugees living in Durban.

In general the informants appeared happy to share their ideas and information also asking the researcher for her opinion thereby creating less of a one-way collection of ideas. In a couple of cases the researcher experienced language problems as a few informants were unfamiliar with the terminology used in the questions, hence they were rephrased or reworded using less academic terms. Only one informant seemed skeptical of the tape-recorder, but after its purpose was explained the person relaxed and carried on with the interview. The three

¹¹ Describing how all people have different roles and statuses creating opportunities and limits for the person's freedom of action (Goffman 1959, Eriksen 1998).

interviews done with the refugee community leaders were quite different from the ones with the organizations. They were in particular characterized by longer waiting periods and 'informal' locations such as South Beach and in the backseat of a car. The information revealed about the NGOs and their work differed significantly from the perception the researcher had arrived at from talking to the NGOs. This illustrates the importance of bearing in mind the informants' backgrounds, experiences and agencies and how these affect the way they present their view and arguments.

It took a substantially larger number of attempts to set up meetings with LHR Pretoria and Johannesburg, ultimately resulting in a 20 minute phone interview with the Program Manager in Johannesburg and a 30 minute face-to-face interview with the Training Coordinator in Pretoria. Also, while the previous Director of NCRA was interviewed over the phone, the interview proved to be highly unsuccessful. The informant would not respond to the questions asked continuously referring the researcher to their webpage for information¹². The expectations of the researcher did not seem to match up with those of the informant hence unfortunately the amount of material and its usefulness turned out to be minimal.

¹² Unfortunately the webpage does not give the necessary information and seems to be somewhat outdated.

Chapter 5. Research Findings

This chapter seeks to analyse the work and perceptions of NGOs working with refugees in Durban; services provided and potential gaps. The research findings consist of four main sections. The first section includes a presentation of the NGOs showing the different categories of NGOs in Durban as well as some of their characteristics. The perceptions of the NGOs of the policy environment, the migration process as well as the refugees' problems are then presented in section two. The third section takes a closer look at the internal workings of the NGOs and how these affect their work and room to manoeuvre. Finally, the issues of collaboration and partnerships are analysed.

Presentation of the NGOs

Ten organizations were interviewed in Durban, nine of which were NGOs and one of which defined itself as an association. The diversity among NGOs was clearly illustrated throughout the research by various factors such as size, access to resources, type of work, structure, professionalism, and experience with refugees. Table 7 below indicates when the organization was formed, number of staff, number of clients in an average month, the primary activities related to refugees and the level at which the organization is working. The NGOs can be divided into two clusters based upon what level they work at, when they were formed, but also who it was formed by and what people work there.

In Chapter 3 Tvedt (2002) pointed to the challenge of integrating the homogeneity and the heterogeneity of the NGO scene. The homogeneity of the sample is specified through five characteristics. The organizations are all based in Durban; they are non-profit making; their clients are asylum seekers and/or refugees; their work is mainly local and/or national (not international); and their main focus is service provision. The latter two are consistent with characteristics of Southern NGOs described above. Yet the heterogeneity of the sample was still very evident. Planned Parenthood Association of South Africa, South African National Zakah Fund, Mennonite Central Committee, South African Red Cross and Lawyers for Human Rights are national, or national branches of international, organizations which have been around for a number of years. They therefore seem to have a larger number of qualified personnel in terms of professions such as social workers and lawyers. However, Siyagunda Association, Refugee Pastoral Care, KwaZulu-Natal Refugee Council, Union of Refugee

Women and International Refugee Service are local organizations which have been formed during the last eight years by refugees having a majority of refugees as their employees. As will be pointed out, these characteristics pose certain benefits but also disadvantages affecting what Hilhorst (2003) describes as NGOs' room to manoeuvre. A more detailed presentation of each organization will now be outlined.

Table.7 An overview of the NGOs

Organization	Formed	Number of staff	Clients in an average month	Primary activities for refugees	Level
International Refugee Service	1998	3 + 8 members	4-5	Provide accommodation to newcomers	Local
KwaZulu-Natal Refugee Council	2002	6	n/a	Lobby and advocacy for refugee issues	Local
Union of Refugee Women	2002 October	3 + 1 voluntary worker	35 children in crèche; 12 South African	Running a crèche	Local
Siyagunda Association	2005	9	160 members	Advocating the rights of street barbers	Local
Refugee Pastoral Care	2002	5	70	Provide social and spiritual assistance	Local
South African Zakaat Fund	1974	12	400 people 2000 consultations	Empowerment through skills training	National
Mennonite Central Committee	1920 2001- Refugee Project	5	45 new clients	Provide social assistance	International/ national
Planned Parenthood Association of South Africa	1934 2001- 2006 Refugee Program	8-9 in KZN Province + volunteers	300 (but program no longer running)	Reproductive health	National/ International
Lawyers for Human Rights Durban	1979 1996- Refugee Project	2	180	Provide legal assistance	National
South African Red Cross	1921	7 in KZN Province	15	Family restoring links	National/ international

Chapter 3 illustrated the range of factors separating NGOs from other types of organizations. However this did not seem to be something the service providers were consciously using to promote their work. The most common response to what it means to be an NGO was in fact that you are a non-profit making organization and not part of the government or receiving funding from them. The first five organizations to be presented share the common characteristics of being recently formed through involvement of refugees, are locally based and have a large number of refugees working for them. Also, three of the organizations are membership based and dependent upon their fees as their main income.

The Chairman of International Refugee Service (IRS) came to South Africa as a refugee from Kenya in 1998. He saw the need for accommodation for newly arrived refugees, hence starting the IRS. IRS mainly focuses on providing accommodation, but also does referrals and distributes food and other supplements when available. Most of their clients are referrals from Refugee Pastoral Care. Locals utilizing the accommodation facilities pay R5 per night thus contributing to IRS's rental and security expenses. IRS only assists 3-4 refugees per month indicating that their services are not well advertised. Further, the organization does not assist refugees who have been in South Africa for longer than 3 months hence clients must find a new place to stay after the end of this period (Interview, 21.11.06). The organization has an advantage in funding their own work, thus not jeopardizing their autonomy. Nevertheless, additional assistance is required for the refugees to find jobs and ultimately become independent.

The Chairman of KwaZulu Natal Refugee Council (KZNRC) stated that since there is no assistance available for refugees arriving in South Africa, the refugee community is forced to organize themselves (Interview, 11.09.06). KZNRC, formed in 2002, is an attempt to get refugees from different countries together to jointly organize. The organization is first and foremost an advocacy organization lobbying at individual and institutional level to spread information about refugees, their problems and their rights. Thus their main objective is to increase the knowledge about refugees in the South African society. KZNRC is a membership organization open to all refugees. The organization is dependent on their fees to carry out their work. Lack of resources and the problem of getting refugees to commit to the organization are the main constraints currently affecting the work of KZNRC.

The Union of Refugee Women (URW), formed in 2001 with the support of Mennonite Central Committee, provided an opportunity for refugee women to work together to come up with solutions to their problems. Since 2001 it has become a channel for all women to benefit from including refugees and South Africans. The organization's current main activity is running a crèche. They also have a cultural dance group, and the facilities for sewing. The children at the crèche are between a few months to five/six years old. Hence the beneficiaries of this service could utilize it for up to six years. URW is membership based and dependent upon their member fees to carry out their work. The assistance by URW provides an important service for refugee women, giving them the opportunity to contribute to the household while the children are in the crèche. However, the service would increase its value if the assistance could, in example, be combined with skills training for women.

The Siyagunda Association (Siyagunda), formed in 2005, is an advocacy organization with the main objective of fighting for the rights of their members. The organization's members are street barbers in Durban, most of whom are refugees from war torn Democratic Republic of Congo. Hence Siyagunda is also a membership based organization and thus does not operate with the concept of clients. However they can still be categorized as an NGO as illustrated by Thomas and Allan (2000) in Chapter 3. Siyagunda's first priority was to make sure that refugees were entitled to apply for street trading permits. Through litigation this has been accomplished¹³. Current areas of concern include street barbers having to pay bribes and the empowerment of women. Siyagunda appeals to a specific part of the refugee community. Their importance is evident in relation to making sure that refugees have access to some sort of income. Their limit is their current focus on barbers (excluding women) as well as a lack of resources to carry out their work. Siyagunda is in a similar situation as KZNRC and URW being dependent on the fees from their members as their main income.

Refugee Pastoral Care (RPC) was founded in 2002 under the guidance of the Archdiocese of Durban in order to provide pastoral care to refugees and asylum seekers. They get their main funding from European church organizations. The main objective of the organization is 'pastoral care' described as an outreach to poor and marginalized people to take the way of God into practice. Their focus includes advocacy, integration and assisting refugees with

¹³ A court case was opened in 2005 to take up the issue of giving street trading permits to refugees who have the refugee ID. Although they lost the court case, in the meantime the City Council ended up accepting the refugee IDs. It is still a concern that many refugees are still awaiting their IDs, and can thus not apply for the trading permit (Interview, 21.09.06).

food, accommodation, medical assistance, school fees, clothes and burial. Hence the organization is providing both physical and spiritual services. Every Sunday clients are given a Shoprite voucher of R20. The organization has also started a reconciliation project to help traumatized refugees (Interview, 22.09.06, RPC 2005). Due to the various programs offered, the clients are continuously coming back to the organization. Since there are no access requirements, RPC is in a position to reach a greater part of the refugee community. However, while their religious context adds an important aspect for many people in need of 'spiritual assistance', it can just as easily exclude a number of clients not comfortable with the religious belief and language.

The South African National Zakah Fund (SANZAF) was established during the Apartheid years mainly to take care of people's basic needs such as clothing, food and shelter. It is an umbrella organization with the main objective of propagating the concept of Zakaat - an important aspect of Islam. Zakaat is described as a duty free 'tax' paid by all Muslims with a wealth. This constitutes SANZAF's main source of funding. In order to receive the support provided by Zakaat you need to be a Muslim. This limits the effects of the organization's work in the refugee community. The particular project carried out in Durban, named Centre for Family Assessment and Resources Development, is a welfare project aimed to empower people by providing skills training. This project is designed to present Muslim families with an opportunity for financial and personal growth within the context of Islam. The program includes a range of activities such as entrepreneurship training, sewing, computer literacy, and adult literacy classes. The Durban office networks with other organizations to refer clients in need of counselling, occupational therapy and psychological services (Interview, 21.11.06). SANZAF does not have a particular refugee project, but Muslim asylum seekers and refugees are referred to them by other organizations¹⁴.

After the collapse of the KwaZulu Natal Refugee Forum in 2001¹⁵, the Mennonite Central Committee (MCC) accepted the role of implementing partner to the UNHCR and the organization's Refugee Project was initiated. The Mennonite Central Committee was founded in 1920 to respond to the needs of Mennonites in Russia facing hunger after the First World War. The organization is based both in USA and Canada, and its service is based on the Mennonite ideal to offer help out of love for anyone in need (www.mcc.org). MCC offers

¹⁴ A national survey conducted by SANZAF in August 2006 indicated that 13 % of clients assisted were asylum seekers, while 4 % were refugees.

¹⁵ See page 80 for more information.

assistance to what they describe as the most vulnerable within the refugee community - children, aged persons, disabled, chronically ill, and single parents. The services provided are social assistance (securing food, accommodation, clothing and medical care), limited financial assistance, professional counselling, access to primary and secondary education, educational support through French and English classes, vocational training, skills development and income generating projects. The program coordinator pointed out that they recently also included HIV/AIDS in their project – an area that was previously a part of the Planned Parenthood Association's program, elaborated below (Interview, 14.09.06). As part of the Durban Service Provider Network, MCC identifies where they can provide assistance to complement rather than duplicate services of other organizations. Although they get an average of 45 new clients each month, the number of consultations is much higher.

MCC seems to have a solid foundation for carrying out assistance to the refugees as shown by them actively providing a number of programs. Yet, the application procedures involved in accessing MCC's assistance was perceived by the researcher to be quite lengthy and time-consuming with the refugees having to come back several times before a decision was made. Although MCC's UNHCR mandate ensures funding for the refugee project, it also makes them focus on the vulnerable within the refugee community. While this is important, it ends up excluding the majority of the refugees thereby decreasing the extent and reputation of their project.

As pointed out in Chapter 3, the degree to which religious NGOs emphasize the religious or spiritual foundation for their actions varies considerably. As for MCC, their religious background was only mentioned once during the interview, thus this seems not to be of great importance for their refugee project. RPC and SANZAF, however, expressed a much stronger connection between their religious foundation and their work – as illustrated above. A staff member at RPC for example said:

[RPC] is a Catholic organization- as you know evangelization goes hand in hand with development. When you talk of the Catholic Church; this is in fact a religion of everyone because it is founded from Jesus himself. The RPC is responding to the Gospel of Jesus without discrimination; so whether you believe in Catholicism and Jesus; whether you believe in Buddha or whether you are a Muslim or have no religion- this organization deals with the human being; it takes everyone as images of God (Interview, 22.09.06).

Although religion provides these NGOs with a way of legitimating their work it can also be the basis for excluding certain groups. While RPC states that the clients' personal religion is not to affect whether they would be assisted or not, it was pointed out by a refugee leader that you would only be eligible for RPC's food voucher if you attended Sunday Mass (Interview 21.09.06). As for SANZAF, the majority of their funding is allocated to Muslims hence the greater part of refugees in Durban will not qualify. This illustrates some of the advantages and disadvantages of being a religious NGO and the effect it can have on the organization's work.

Lawyers for Human Rights (LHR) was formed in 1979 in order to fight oppression and abuse of human rights under Apartheid. Their Refugee and Migrant Rights Project was established in 1996 to advocate, strengthen and enforce the rights of asylum seekers, refugees and other marginalized categories of migrants in South Africa (www.lhr.org.za). LHR uses human rights to legitimize their work: "We're a human rights based organization so our whole approach is human rights based" (Interview, 28.11.06). This confirms the point made by Harris-Curtis (2003) in Chapter 3 - a rights-based approach can fill the same need for legitimation which religious NGOs get through their religious affiliation. Although litigation as well as training and liaising with other organizations is part of LHR's mission- the lawyer interviewed in Durban stated that lack of capacity at the office forces them to focus only on legal advice (Interview, 20.09.06). Claims regarding permanent residence, multiple issues, and resettlement applications make the clients utilize LHR's service for a lengthy period. The assistance provided by LHR is crucial due to the continuous identity document related problems experienced by migrants. Although LHR also is an implementing partner of, and get their main funding from, UNHCR they have not limited their requirements to the same degree as MCC. LHR's project includes all migrants and refugees and not only the vulnerable. While funding is received by UNHCR, the office in Durban still struggles with a lack of capacity having only one qualified lawyer among the two staff members. Hence, LHR struggles to assist all the clients approaching their office.

Planned Parenthood Association of South Africa (PPASA) was established in 1931 to address the need for birth control. They opened their first mothers' clinic in 1932 (www.ppasa.org.za). The Refugee Life Skills program was started in KwaZulu-Natal in May 2001. It was funded by UNHCR while PPASA offered the program as one of their implementing partners. The program was run until March 2006 when it was handed over to MCC. The Refugee Life Skills program was originally designed for South Africans, but as it was found that many non-South

Africans were without access to these services it was adapted to also include this group of people. The program's aim was to ensure that people are informed about and can access sexual and reproductive health services. PPASA's approach was community based as staff and volunteer workers would go out in the communities to spread information through meetings and campaigns. The program manager at PPASA, a refugee from DRC, pointed out that since the refugee community is very mobile it varied how long they would participate in the program, however, on average this was between 3 and 5 months (Interview, 12.09.06). While the program was running PPASA had an office in Durban¹⁶ and an average of 300 clients each month. As pointed out above the program has now been handed over to MCC. According to MCC's program coordinator it is not in their mandate to go into the communities, hence the program has changed. It now focuses more exclusively on supporting clients who have HIV/AIDS or clients with HIV positive family members (Interview, 14.09.06).

South African Red Cross (SARC) was founded in 1921 with the amalgamation of the various Red Cross entities existing in the country. According to their website, they subscribe to the seven principles of humanity, impartiality, neutrality, independence, voluntarily service, unity and universality (www.redcross.org.za). Disaster management remains one of the core programmes for the SARC and includes disaster preparedness, disaster response and the restoration of family links. Most useful to asylum seekers and refugees is the latter. This program has been running effectively for three years with the aim of restoring and maintaining family links between separated families, as well as searching for dispersed families, and arranging for family reunifications. According to SARC staff members the clients come to their offices as long as they need their services. Their main funding is received from public donations (Interview, 18.09.06). The Restoring Family Links program evidently only constitutes a small part of the organization's work, thus possibly explaining why responses from the informants were short and seldom elaborated.

The last five organizations presented have the common characteristics of being well established, more professionalized and nationally based. Hence two distinct clusters in the research sample have been identified. The attributes of these two clusters create certain

¹⁶ This is no longer operating. PPASA's nearest office to Durban city centre is now in Pinetown

consequences for the NGOs' room to manoeuvre, to be further illustrated in the section on NGOs' internal workings.

Gaps and weaknesses in the refugee assistance

Although the researcher identified ten main organizations working with refugees in Durban, the informants were also asked to outline what refugee support organizations they knew of. Both governmental departments and institutions were mentioned such as Department of Welfare, Department of Home Affairs, and schools such as Bechet, Centenary, Addington and Clareville. In addition, the organizations Talk English¹⁷ and Al-Ansaar were mentioned. However, in the interviews with the refugee community leaders, only three institutions were highlighted as service providers for refugees. These were UNHCR, MCC and RPC. Yet, the refugee community leaders were in general sceptical of all the service providers and the assistance they were offering. In particular MCC received strong criticism for being selective and providing an unsustainable service. As pointed out by the Rwandan community leader; "If MCC approves you and say they are paying for you to attend a skills program, how can I go to that school if I have nowhere to stay, no food, and no money for transport to get to the school?" (Interview, 14.12.06). He gives RPC some credit as everybody who goes there gets financial support, although it is very small. The community leaders from DRC and Burundi were even more critical of the service providers with the refugee leader from the DRC stating there are no organizations supporting refugees. This was confirmed by the Burundian refugee leader; "Refugees do not have any assistance. The NGOs should come to us and ask us what we need. I don't have time to go to the NGOs anymore, I went there over 50 times and they said they have no funds" (Interview, 17.12.06).

While the services provided by NGOs in Durban cover a number of areas, it is the researcher's opinion that they are only scratching the surface of the needs and problems experienced by migrants. Currently the services are somewhat inconsistent and not very broad in scope. Issues such as accommodation, skills training, access to micro credit and support for arranging burials should in particular receive increased attention.

¹⁷ Talk English (founded in August 2005) offers free English lessons to refugees and other disadvantaged groups in the Addington/ South Beach area of Durban. Their objective is to provide basic language skills essential for survival and empowerment.

From the researcher's perspective, the assistance provided by IRS, KZNRC, URW, Siyagunda, SANZAF, MCC, and SARC, while important, is only reaching a very small part of the refugee and migration community. RPC and LHR seem to have a somewhat larger scope due to a more open and inclusive approach. However, several weaknesses were identified in all organizations. IRS' main limitation is their incredibly low number of clients and lack of reputation in the migration community. KZNRC, URW and Siyagunda all have funding problems making it very difficult to become an important stakeholder in the support agency structure for refugees. The effects of SANZAF's work in the refugee community are minimal due to them only assisting Muslims. Also RPC should be more aware the potential disadvantages created through their religious affiliation, yet they appeared to have the best reputation in the refugee community. Although PPASA is no longer running their program, refugees wanting to access them will find it difficult as they only have an office in Pinetown and this is not always staffed. SARC has refugees as a very small part in their program and lack substantial knowledge of the community compared to NGOs focusing more specifically on refugees. While LHR assists a number of refugees with legal advice, lack of capacity at their office forces them to provide their clients only with letters to take to various institutions. Two weaknesses were evident with MCC. Firstly, their lengthy procedures often result in the clients having to do multiple visits and not being assisted straight away. This is of great concern especially for newly arrived refugees. Secondly, their focus on the vulnerable excludes a great number of asylum seekers and refugees.

MCC's criticism of being selective and only approving a small number for assistance is strongly linked to UNHCR's mandate to focus on the vulnerable. It could be argued that all refugees are vulnerable arriving without any resources in a country that provides minimal support. When the majority of the refugees are single men who most often fall outside the category of 'vulnerable', how are they supposed to make a living; find a job; support themselves and, for some, prepare for wife and children to arrive? Although the various service providers receive a number of clients, there seems to be dissatisfaction with the way some providers are carrying out their work. The research findings indicate that the NGOs' approach toward refugee assistance is not comprehensive enough. RPC tries to help everyone, but do not have the capacity to reach them all¹⁸. If the refugees are to make a sustainable

¹⁸ A national refugee baseline survey done by CASE in 2002/2003 indicated that RPC was the organization receiving most refugees in KZN (CASE 2003:201).

living they need to access a basic package of resources and social services. Only if this is established can the next step of independence be achieved.

The majority of the service providers are offering services which ultimately should be supplied by the state hence serving as necessary gap-fillers for the state. As was pointed out by Edwards and Hulme (1995) in Chapter 3, the gaps in access to basic services emphasize the importance of NGOs as welfare providers. However, if progress is to be equitable and sustainable, the state should in the end become the sole provider. In particular PPASA, MCC, URW, RPC, SANZAF and IRS offer services which should have been taken care of by the state. It is important for these NGOs to be aware of this, as their long-term aim evidently should be to refocus their objectives and driving philosophy.

The NGOs' perceptions of their working environment

The next section looks at how the NGOs' staff perceive the context in which they work. Their perceptions add to prior findings by representing people who have worked with a number of different migrants over a period of time. The findings can be grouped into three areas - the policy environment, the migration process, and the refugee-setting and the problems they face.

The Policy Environment

Chapter 2 presented a comprehensive analysis of both the international as well as the South African immigration and refugee policies. Having knowledge of these Acts and policies would not only highly contribute to legitimate the work of NGOs assisting refugees, but also help them understand the rights of their clients. Yet, only four of the NGOs in the sample indicated that the international refugee policies were evident and/or relevant. This was mainly with regards to using the UN Convention to define who is a refugee. Except for LHR, the other NGOs did not seem to recognize the UN Convention as an important document for their work. The policies can sometimes be vague and written in legal terms which are often difficult to understand. However, the UN Convention is easy to grasp clearly stipulating the rights of refugees. It provides the basic legal standards on which principled action can be founded, and constitutes a universal framework and a unique declaration of states' commitment. This emphasizes the importance of knowing its content.

Some of the informants found it difficult to respond to the question of whether the changing national policy environment had affected their work. Three organizations (IRS, SANZAF and SARC) stated that they are not directly involved in policy work, thus they described the policies to be less important to them compared to organizations directly involved in this work. The general impression given to the researcher was that offering different forms of social assistance was not perceived to be linked to the policies. It was rather pointed out that the policies were more important for an organization like LHR (Interview, PPASA, 12.09.06). Whatever refugee-related work the NGOs are doing, they should have at least a brief overview of the rights of asylum seekers and refugees living in South Africa as stated in the Refugees Act and the Bill of Rights. In order for the NGOs to become a stronger stakeholder in policy discussions, this knowledge is essential.

There were both positive and negative comments given with regards to the refugee policies and the policy environment. The Siyagunda Association has experienced positive policy changes as refugees who have their red IDs are now allowed to apply for street trading permits. The Chairman at KZNRC stated that refugees whose status expired can now get their status automatically renewed at the DHA (Interview, 11.09.06). LHR Pretoria gave a couple of examples. First there was a specific case between Centre for Child Law and Department of Home Affairs where the outcome was an establishment that the Child Care Act applies to all children, not only South Africans. Second, the recent case of Somali refugees whose businesses and houses were burnt down were successful with their application for a Social Relief of Distress Grant. This grant can set precedent for other refugees experiencing similar difficulties thus indicating how LHR is creatively using the law to strengthen the precarious position of migrants (Interview, 28.11.06).

The critical comments came mainly from LHR Durban and Pretoria as well as from MCC. LHR Durban described the Refugees Act as 'inadequate and a very thin and incomprehensive document' (Interview, 20.09.06). Many people who would not qualify as genuine refugees have, according to MCC, taken advantage of the imprecise legislation to get into South Africa (Interview, 14.09.06). While it has been documented that corruption at the Department of Home Affairs has resulted in illegal immigrants living in South Africa as asylum seekers and refugees¹⁹, it appears to the researcher as very conservative to claim that people are taking

¹⁹ Daily News 2006:1

advantage of the situation. Not to mention the potential problem of having such a perception of a group of people you are working daily with and meant to be providing assistance to. Another concern raised by the Program Coordinator at MCC and the Training Coordinator at LHR Pretoria, both being qualified social workers, was the new Children's Bill.

The Children's Bill takes all the Acts that speaks to it, except for the Refugees Act, and no matter how many times you ask them about it they just push it away. The Refugees Act has a specific part which deals with children, but the Children's Bill doesn't read it (Interview, LHR Pretoria, 28.11.06).

The NGOs seem to have a mixed experience of the policy environment in which they work. It is important that the refugees are provided with the resources to be able to access and understand their rights; something which NGOs should assist them with. However, the Program Manager at PPASA argues it is also up to the refugees to take initiative:

You have the policies on paper, but you have to fight for your rights - so it is also for the refugees to understand their rights and obligations. Living in South Africa means you have to follow the rules and laws of the country. You must make sure that you can access your rights as local people (Interview, 12.09.06).

Thus refugees must take initiative and show interest on this issue with NGOs providing them with the pertinent information.

Migration Theory

In the literature review the complexity of migration has been pointed out underlining how refugees migrate due to political factors such as war and persecution. Still, the migration is also linked to an increasing nature of poverty- thus combining the political and economic determinants. Furthermore, it is important to know who is migrating and whether and how networks are maintaining links between two or more places, what Dodson (2001) refers to as transnationalism in Chapter 2.

Differentiation of clients

Since the different groups of migrants have their own set of rights and entitlements it is important to clarify if and how NGOs differentiate among their clients. The differentiation would also indicate who the NGOs were targeting for their assistance. The most common categories used by the NGOs were asylum seekers and refugees and that these were both

entitled to access the organization's services. Further the lawyer at LHR explained how their mandate theoretically indicates their priority, although they do try to assist all who come in.

My mandate is purely to focus more on the real refugees with regards to their rights. There are certain standards which the Convention prescribes, as well as international human rights like the right to proper documentation and social services. That is a point I like to focus on and put energy into. However, if I see a Tanzanian, who genuinely or regularly is not a refugee or people of concern to UNHCR, I do deal with them (Interview, 20.09.06).

PPASA stated that economic- or other migrants (excluding asylum seekers and refugees) coming from a country which is not listed by South Africa as a 'refugee generating country' would not be entitled to participate in their program. This included people from Tanzania, Nigeria and Cameroon (Interview, 12.09.06). However, to follow this general labelling of countries undermines the individual determination process which all asylum seekers are entitled to and may further lead to stereotyped attitudes towards migrants with these nationalities. Therefore such a differentiation should be avoided.

The service providers can be divided into three different groups based on how they group their clients. First, URW, IRS, RPC, LHR and SARC would offer assistance to any migrant claiming to be an asylum seeker or refugee. Second, KZNRC, PPASA and MCC would use the definition in the UN Convention to determine who are eligible for their assistance excluding clients they believed not to be genuine refugees. Third, SANZAF and Siyagunda had more specific target groups being Muslim refugees and street barbers. The organizations should try to be as open and inclusive as possible in order to make sure they are not just scratching the surface of the number of migrants in need of assistance.

The average client

Chapter 2 outlines the general characteristics of asylum seekers and refugees arriving in South Africa. They are young, single, often highly educated, men working in the informal economy. The previous findings match up with what the NGOs in the sample are experiencing as their average clients. As the refugees are likely to cluster in different cities, it seems like Durban has the majority of refugees from the Great Lakes Region (DRC, Burundi and Rwanda) and fewer from Angola and Somalia, confirming the findings from Case's (2003) study. This was

illustrated through all the NGOs mentioning clients from DRC, Burundi and Rwanda²⁰. In the case of the Siyagunda Association being a street barber organization, their clients were all from Congo (about 95 percent) and they were all men as women do not work as barbers. Besides having clients from the Great Lakes Region, the NGOs stated that they have clients from Somalia, Ethiopia, Zimbabwe, Tanzania, Liberia, Sierra Leone, Nigeria, Mozambique, Afghanistan, Iraq, Kenya, Sudan, Angola and Pakistan.

Further, the service providers confirmed that the majority of their clients were single men, as well as a few families and unaccompanied minors. The different migration pattern for men and women and related problems were indicated by the Program Coordinator at SANZAF.

We often find that the husband will come to South Africa and establish himself here. Then his wife is meant to follow after in two or three years time. But, when she comes, she can't find him, or she finds him living with a South Africa woman. We've had quite a few cases like that (Interview, 21.11.06).

The psychological stress most asylum seekers and refugees go through is immense. It is crucial to have a support system for wives who, after their arrival in South Africa, are unable to find their husband, or find that they have been replaced by a South African woman. Yet, if the single male is not assisted to start off with, this may cause severe consequences not only for him, but also for his family arriving later. SANZAF did have some experience with women arriving and not being able to find or live with their husband, but the organization's staff do not have the qualifications to follow up on these clients and hence they are being referred onwards. The fact that MCC has qualified social workers on their staff is an important step towards meeting the needs of these particular vulnerable people. However, it must be pointed out that the traumatic experience and terrible memories of many refugees requires involvement of trained psychologists in order for the needs of refugees to be appropriately identified and met. As MCC was the only organization in Durban having qualified personnel to assist in such circumstances, this illustrates another critical gap in the service provision.

Push and pull factors

The migration theories presented in Chapter 2 illustrated how refugees migrate because of war and persecution. Still, the economic devastation and poverty caused by such conflict will

²⁰ SARC only mentioned DRC

often affect refugees in such a way that economic factors must necessarily be seen in relation to the political determinants in the context of refugee migration. There was a tendency among some service providers to distinguish between refugees and economic migrants – providing assistance to the former and not the latter. Economic migrants thus become a particularly vulnerable group.

All the service providers in the sample highlighted that most of their clients had left their country due to war, using words such as civil war, conflict, persecution, political reasons, violence, devastation and political imbalance. However, half of the NGOs also mentioned economic reasons. KZNRC specifically refers to Zimbabweans when talking about economic refugees, as opposed to ‘real refugees’, meaning that the refugees from Zimbabwe are not genuine (Interview, 11.09.06). Yet, ongoing reports of political harassment in Zimbabwe would indicate that many would qualify as refugees under international conventions. Further, South Africa is currently receiving an increasing number of asylum applications from Zimbabweans as stated in Chapter 2. Also the Program Coordinator at MCC (Interview, 14.09.06) expressed an unsympathetic attitude stating that:

[T]here’s a large percentage who has used the general perception of their country to explain why they are here. I would suspect that a fair number of those are actually coming for reasons like better job opportunities...If you look at the people that have fled, most are refugees from DRC; Rwanda; Burundi. If you look how many countries they have to travel through; probably three countries before they get here, you would ask the question that if you are just fleeing because of war- why have you gone through all these countries?

This clearly illustrates that even though war and persecution have strong links to poverty and economic devastation, the service providers seem to have a more negative perception of migrants mentioning economic factors as reasons for leaving their country. It is clear that the UN Convention does not mention economic factors in its definition of a refugee; hence it might partly explain the perception of service providers using the Convention as their model. However, it further highlights how important it is for people and institutions assisting asylum seekers and refugees to have a clear understanding of the complex background of refugee migration and thus adapting their assistance based on this knowledge.

The opportunities South Africa provides, together with it being a stable and democratic country, were the most frequent reply from the NGOs as to why their clients had come to South Africa:

There is a perception that South Africa has a lot to offer, the fact that it offers freedom of movement for people from outside opens it up. And I think it's one of the pull-factors into South Africa. I think it's also perceptions outside South Africa that this is the land in Africa which is ranked as highly as a first world country so it makes sense to come here. I think a lot of people expect there to be opportunities here but when they get here they realize that actually there are not (Interview, MCC, 14.09.06).

A staff member at RPC stated that refugees come to South Africa because of the country's stable economy and respect for human rights - a combination of economic and political reasons (Interview, 22.09.06). In addition, the Chairman at KZNRC explained that some refugees come to South Africa because they have networks prior to their journey here²¹ (Interview, 11.09.06). Most of the NGOs gave more than one reason for refugees coming to South Africa. This may indicate that the service providers have more knowledge of - and experience with - the reasons for refugees coming to South Africa, than the reasons for fleeing. Yet, it would seem appropriate for the NGOs to give more nuanced replies to this question as it is more closely linked to their actual work being in South Africa and not in the country of departure.

The refugee environment and the problems they face

As noted in Chapter 2, previous research has revealed clusters of economic activity among foreigners as well as the value of ethnic networks among refugees and migrants. The overall perception between the service providers of the refugee environment was that refugees were supportive of each other. This was in particular prevalent through established refugees helping newcomers with accommodation, getting food, finding work, and with translation when accessing the NGOs' offices. However, it became clear that from the service providers' experiences, the refugees were mainly supportive within their own community and not necessarily across nationalities and ethnic boundaries.

There are communities within communities. Somalis are extremely supportive, when they come to my office it's *en masse* – 30 people shouting and screaming. The Rwandans; the Hutus stick together, Tutsis seem to be a bit marginalized. I haven't seen many of them and when I do they seem quite isolated. DRC have tribal dynamics

²¹ As illustrated through the different migration patterns of men and women i.e husband and wife.

that I don't understand, but they make a point of not showing it when dealing with officials (Interview, LHR, 20.09.06).

Thus, although a majority of the service providers pointed out that the refugees do organize, they further elaborated that they mainly organize in terms of religion, country of origin, province of origin, tribe, culture and language, and when and why they came to South Africa. Hence, there was consensus that refugees have not managed to organize as a collective group. The findings serve to confirm the importance of the support refugees receive from other refugees in their community. The same sentiments were expressed by all three of the refugee community leaders (Interview, 14.12.06, 16.12.06, 17.12.06). The service providers would gain from identifying key people within the various refugee communities and use these to inform the rest of the community of their rights, available service providers and types of assistance offered.

Further, the NGOs described the situation of refugees in Durban as being very difficult confirming the findings of previous research listing the numerous problems experienced by migrants in South Africa. When asked to specify what the main problems were, the issue of employment and getting a job were the most frequent answers. Furthermore, the Chairman at KZNRC described the refugees' problem as a structural exclusion of the refugee community. The South African state and the people in Durban are not really prepared to deal with refugee issues. He argues that this exclusion is sustained by the government instructing employers only to give qualified positions to people with green IDs (Interview, 11.09.06). Four problematic areas for refugees are to be further elaborated drawing on the themes presented in Chapter 2; xenophobia, Department of Home Affairs, and access to social and private services.

Xenophobia

It was argued in Chapter 2 that the link between the South African definition of citizenship and their view on migration results in a deepening level of intolerance and xenophobia towards outsiders. This was also illustrated in the research material, with the most frequent example being when a refugee would try to call the police or an ambulance. They would not be given assistance due to their foreign accent. This was mentioned at three different occasions by staff members at KZNRC, PPASA and IRS. Other given examples of discrimination were related to women not being able to access the child support grant or the

disability grant. In addition employment issues such as lack of contracts, not being paid, and a preference to employ South Africans were highlighted.

However, the perception of the Lawyer at LHR was that refugees are quick to blame xenophobia when they face problems. He further pointed out that because of the Zulu majority in Durban, it might be more difficult for refugees to integrate here compared to other South African cities. Still, he did not describe xenophobia as a big problem (Interview, 20.09.06). Although some of the organizations agreed the issue of xenophobia was not a major concern, the Program Coordinator at SANZAF was of another opinion; “It’s unfortunate that xenophobia is so strong. We would even find comments from the South African clients coming here. They say to us, and the word they use is *makwerekwere*, how can you help them and not us” (Interview, 21.11.06). The service providers gave various reasons for local citizens having these negative perceptions of the refugees; “The South Africans assume that refugees are coming to South Africa to take their jobs; their wives; their women; bringing diseases such as AIDS” (Interview, KZNRC, 11.09.06). It was further stated that anyone from outside your community will often be looked at as a threat. The refugees come and get prosperous and that is when the discrimination occurs (Interview, SANZAF, 21.11.06).

Although it might be easy for refugees to take rejection and negative incidences as discrimination, it has been well documented that this group of migrants are experiencing xenophobia in a number of areas. Changing the attitudes of staff and locals should be of concern for the service providers as this will lighten the burden on both the everyday lives of refugees and on the work of the organization.

Department of Home Affairs

The main problem mentioned by the service providers in relation to the Department of Home Affairs was the backlog of applications causing intolerably long waiting periods for asylum seekers and refugees to get and/or renew their papers. In particular the lawyer at LHR complained about the lack of competency, which confirmed the findings in David *et al's* (2005) study illustrating a significantly high level of unfamiliarity with the Refugees Act among DHA officials. The lawyer further suggested:

If I would make a proposal to anyone who would listen, I would like to see Home Affairs have an ad on TV saying 'this is a refugee identity document; this is a valid document; this is how it looks like. If you see this document, please acknowledge it' (Interview, 20.09.06).

In order for South Africa to be considered a proper host-country, refugees should be entitled to some kind of official documentation, yet this is an issue which unfortunately seems to be going nowhere.

Although the lawyer at LHR thought Durban was relatively good with regards to queues at the Reception office, he did point out that if Johannesburg and Pretoria remain dead-locked, then this would create a spill-over to Durban. Furthermore, the issue of corruption was mentioned by half of the organizations also stating that there are unscrupulous people at Home Affairs charging the client extra money in exchange for quickly granted statuses (Interview, SANZAF, 21.11.06, Interview, LHR, 20.09.06). The NGOs which are members of the Durban Service Provider Network (DSPN) collaborate and have access to the DHA as officials from the department are coming to the network's meetings. Through this collaboration the service providers lobby for the rights of refugees. The NGOs must continue their lobbying while at the same time have a monitoring role putting pressure on the DHA to improve their procedures and staff training.

Accessing social services

Different problems were outlined in all of the social service sectors, although most NGOs agreed their clients had good access to primary education and general health care - confirming many of the findings in previous research. A number of potential difficulties relating to the issue of accommodation were mentioned by the service providers.

There are problems related to accommodation at two levels. First, when you want to rent a place they want you to be identified. The only official document which could allow other people to know you is the South African ID document. As a result the landlord is not able to identify you properly. Secondly, when they know that you are not South African, they increase the rent (Interview, KZNRC, 11.09.06).

IRS specifically works with providing accommodation to newcomers. Although they have several buildings where you might be able to get a bed, this is not nearly enough to cover the urgent need for accommodation in the migration community. The provision of safe, short-term, accommodation for newly arrived asylum seekers and refugees is crucial for their

survival, thus the service providers should be more involved in discussions around housing policy to ensure that refugees are guaranteed shelter.

Discrimination in the employment sector has already been pointed out. SANZAF, who focus on skills training, explained that in order to assist their clients they have 'job meetings' where they prepare the refugees for job interviews and show them how to draw up a CV. The Program Coordinator further stated that unfortunately the South African employers prefer to employ South Africans. Therefore, they try to connect refugees coming to their office with more established refugee businessmen (Interview, SANZAF, 21.11.06). Although this is not ideal it seems to be working for now. There is also no doubt that with the high unemployment rate in South Africa, this is a problem not experienced only by refugees. However, what is specific to refugees is the exploitation and related ID problems. While the economic clustering and social networks at least provide the refugees with work, it makes it more difficult for them to integrate into the South African community. Hence a long-term solution would be to provide the refugees with the resources necessary to access the jobs they are qualified for.

There was a shared experience among the NGOs that their clients were able to access primary education. However, economic expenses were highlighted as an evident barrier confirming findings presented in Chapter 2. A refugee leader said that MCC and SARC used to pay school fees for the children, but this is being stopped. He further pointed out that RPC is still paying R125 per child as well as distributing uniforms thus proving to be more effective in terms of meeting the needs of the refugees (Interview, 21.09.06). The issue of access to higher education was still perceived as problematic for refugees because they do not have South African IDs. This makes it difficult for them to take exams and apply for student loans.

All the organizations in the sample who were asked about their clients' access to general health care described it as good and unproblematic. As the majority of asylum seekers and refugees are situated in the Point area, the Addington hospital was used as an example. "We who stay in [the Point area] just use the nearest hospital; Addington. They accept us, and they help us. I have good experiences from going there" (Interview, URW, 13.09.06). Although the overall impression was that refugees in general have good access to health care services, the Chairman at KZNRC stated that access to emergency health care could be a problem (Interview, 11.09.06). This is related to the example of xenophobia described above pointing

out that clients have experienced difficulties getting an ambulance due to their foreign accent. It was also stated that clients being chronically ill could find it more difficult to get assistance. Yet the Chairman of Siyagunda reflected positively on the work of MCC as they negotiate with hospitals and contribute to the costs (Interview, 21.09.06). Finally, the lawyer at LHR stated that since an ID book is required to access antiretrovirals, migrants also often find it difficult to access this medicine (Interview, 20.09.06).

Accessing private services

The refugees are unable to access credit and banking due to the banks not recognizing the refugee ID. However, RPC stated that after long and hard lobbying First National Bank has granted refugees access to banking services. This was, however, not confirmed by any other informants, which suggests that if this is the case, then this information has not been widely disseminated amongst the refugee service providers. As a consequence, many refugees rely on a South African “middleman” to arrange access to these services.

My husband was trying to open an account; I asked a friend of mine, a sister from the church, she was trying to help us to open the account. It's not easy when we only have the refugee ID, they don't recognize it in the bank. Because my friend was there and she opened the account in her name we got an account (Interview, URW, 13.09.06).

Consequently very few of the refugees are able to access financial services. The negative impact this has on refugees' livelihood was pointed out in Chapter 2. Hence, this is an area where NGOs should pay increased attention in order to secure the livelihoods of their clients.

The internal workings of NGOs

This section aims to identify the main trends within the internal workings of NGOs looking specifically at the issues of legitimisation, accountability, funding, evaluation and available strategies to increase impact. These are matters that affect the work of the NGOs creating limits to and opportunities for their room to manoeuvre. If the services provided to refugees are to be most efficient the NGOs need to manage their internal workings in a way that will be of utmost benefit to their clients.

Value-based legitimization

Hilhorst's (2003) three factors for NGOs to legitimize their role were presented in Chapter 3. First, the NGO must convince others that the population needs assistance. As previously pointed out, this is an area where extensive research has been done outlining a number of critical problems experienced by asylum seekers and refugees in South Africa. However, due to xenophobic attitudes among local citizens there is still resistance towards institutions assisting refugees. Second, the intervention of the NGO must be indispensable and without self-interest. The first seems obvious as no assistance for refugees is provided by the government. From interviews and observations no particular comments were given which could indicate any self interest among the NGOs, in fact most of them found it difficult to access funding²². Third, the NGO must be trustworthy and capable of carrying out the intervention. One way of creating trust and sustainable capacity is by being an established organization with years of working experience. This particularly applies to the non-refugee formed organizations. However, the refugee formed organizations can use their affinity and experience with refugees to create the same notion of trust.

The research findings confirm what was stated by Eade (2002) that most NGOs rest on more than one source of legitimacy. Table 8 below illustrates the various sources of legitimacy utilized by the organizations in the research sample. Although all organizations are value-based, the values they refer to differs as pointed out in the first part of this chapter. Further, the refugee formed organizations have a stronger practical grassroots experience. The organizations which are members of the Durban Service Provider Network reinforce their legitimacy through collaborating with related organizations thereby strengthening the overall number of people involved as well as access to clients. Another factor relevant for MCC and LHR is their alliance to UNHCR as implementing partners contributing to their credibility. These two organizations also stand out as service providers with a higher degree of professionalism and knowledge. In conclusion the various sources of legitimacy indicate that assisting refugees first and foremost emanates from 'natural' values such as empowerment, and values enshrined in the Constitution and/or international conventions. This further affects the way in which the organizations work, what funding they can access, and the issue of accountability. A closer examination of these areas is indicated below.

²² However, as discussed in Chapter 4, the theory of role-play illustrated how the informant's agency affects upon the way in which a topic is presented to the researcher.

Table 8. How NGOs legitimate their role and work

Base for legitimization	Organization									
	PPASA	MCC	LHR	SANZAF	SARC	KZNRC	IRS	RPC	URW	Siyagunda
Practice to policy						X	X	X	X	X
Values-based	X	X	X	X	X	X	X	X	X	X
Knowledge and research		X	X							
Alliances and networks	X	X	X	X	X		X	X	X	

Local accountability and the issue of favouritism

The numerous accountabilities that NGOs have to manage were illustrated in Chapter 3. This section examines the NGOs' degree of accountability towards their clients by looking at the structure of the organization and what role the clients are playing in the organizations' work. This is given specific attention due to the idea that NGOs have strong links to the grassroots, and because previous research has indicated a negative effect on the NGOs' performance owing to lack of accountability towards the beneficiaries. When it comes to accountability towards the beneficiaries, the refugee-formed organizations have a big advantage. These organizations were formed by refugees and have refugees in their organizational structure. The refugees are thus involved in the design and implementation of their work and further act to spread information about this to other clients. Amongst other reasons, this structure contributes to the clients feeling more comfortable when assisted by people with intimate knowledge of their situation and often also speaking their first language. Table 9 summarises the key elements of the structure and staff compliment of the refugee formed NGOs.

Table 9. Structure of refugee formed NGOs

Organization	Structure	Positioned by
KZNRC	Executive Committee (6 people) Refugee Body (16 people) General Assembly (everybody)	Refugees Refugees from different countries/regions
URW	Committee (5 people)	Refugees, all women
Siyagunda	Committee (9 people) Members	Refugees from Congo and Burundi- left 3 spaces for locals but no interest
RPC	Umbrella: Archdiocese of Durban Chaplain Committee (5 people)	(3 refugees from DRC, 1 from Burundi, 1 South African)
IRS	Board committee 8 members are running the organization	Some are refugees, some are not

The five other NGOs in the sample have a more extensive structure as they have international and/or national and provincial branches. Further, the Durban branches of LHR and MCC are solely focusing on their refugee projects, while PPASA and SARC have refugee assistance as one of many programs. SANZAF does not have a specific refugee project but assists and gets referrals of Muslim refugees. The degree to which the organization is involved in refugee issues can affect the extent to which they are accountable to these clients. As expected, Table 10 illustrates a difference between the involvements of refugees in these organizations' structures and work, compared to the previous group of NGOs. Due to the size of these organizations their structures also include more levels.

Table 10. Structure of non-refugee formed NGOs

Organization	Structure	Positioned by
PPASA	National Council (21 delegates) 8 Provincial Committees Provincial Board Project Committees in each Province; i.e the Refugee Life Skills Program Volunteers	Program Manager; refugee from DRC
LHR	²³ Main office in Pretoria; Program Manager based in Johannesburg Branches in Durban and Port Elizabeth	Pretoria; 1 refugee intern Durban branch; two South Africans
MCC	Country representative Durban branch; Project Coordinator Two Social Workers Two Community Development Workers	South African South Africans 1 SA and 1 refugee
SARC	General Assembly Governing Board National office Provincial office- Provincial Councils} Volunteers Branches - Branch Committees} Volunteers - Local Committees} Volunteers	Try to encourage refugees to volunteer
SANZAF	National Assembly Board of Trustees National Executive Management Board- National Coordinator Regional Executive Regional Coordinator Staff and Volunteers	

Of all the organizations listed in Table 10, PPASA would probably be the one that most often got their clients involved given the fact that they have a refugee Program Manager. The clients seemed to play a minimal role in the work of SARC, LHR and MCC. The refugees would mainly be important actors in terms of spreading the word about the organization's work. Although the Lawyer at LHR gave an authentic impression of really caring for his clients, he was still very sceptical of involving them in the organization due to the character of their work:

A refugee is a refugee. They look after their own interests, number one. They speak among themselves. My work has a level of confidentiality. I wouldn't want them near the files. I don't know what will go out to the community, so it's best to maintain zero contact (Interview, 20.09.06).

²³ Structure for the Refugee and Migrant Rights Project

This was confirmed at their Pretoria branch by the Training Coordinator explaining that refugees coming to their office can accuse them of favouritism when seeing other refugees working there. Hence they keep their refugee intern to do 'neutral' tasks like admin, research and translation. Although the organizations point to valid reasons for not involving refugees or only giving them limited duties, it must be emphasized that the NGOs' assistance is based upon the needs of the clients. Hence they should encourage their clients to participate and thereby avoid a top-down approach. This would ensure that the needs of the clients are really met, and create a sense of ownership for their clients.

Access to funding

As was pointed out in Chapter 3, funding has been, and will always be, a problematic issue for NGOs, in particular because donors might reorient accountability upwards away from the grassroots and NGO self-regulation. Table 11 illustrates the NGOs' main sources of funding and who is their main donor. The research revealed four striking findings. First, a few organizations have great problems accessing funding and need to rely upon very limited resources to carry out their work. Second, one organization is self-sustaining but are still in danger of losing credibility due to the lack of evaluation procedures. Third, religious NGOs have a clear advantage obtaining funding through religious 'rules' or affiliations. Fourth, being an implementing partner of UNHCR might guarantee access to funding, but it also comes with strict conditions. These findings will now be elaborated.

Table 11. Where NGOs get funding

Organization	Get funding from	Main Donor
KZNRC	Membership fees	Fees
PPASA	International donors: Bill and Melanie Gates Foundation Kaiser Foundation Compton USAID AusAID SA's National and Provincial Dep of Health UNHCR (for the Refugee Program)	For the Refugee Program; UNHCR
URW	Fees MCC	Fees
MCC	Individual donors Relief Sales Thrift Shops Food Grains UNHCR and MCCUS(for the Refugee Project)	UNHCR and MCCUS (for the Refugee Project)
SARC	Public donations	Public donations
LHR	International donors; UNHCR Save the Children Foundation for Human Rights International Commission of Jurists	UNHCR
Siyagunda	Membership fees Supported by Streetnet ²⁴ (not financially but can utilize their office/phone/computer)	Fees
RPC	International donors; church organizations from Belgium, Netherlands, Germany, Italy Self reliance and local resources	German church organizations
SANZAF	Zakaat from individuals and businesses	Zakaat
IRS	Self-sustained	Self-sustained

As the table illustrates, KZNRC, URW and Siyagunda all find it difficult to access funding and are relying on the fees of their members to continue to carry out their work. This confirms the findings from Bornstein's (2003) study that international funding is very restrictive as it excludes smaller, less capitalized organizations. This further constrains their work in a number of ways. They have no permanent office, they can afford none or only a few full-time employees, they are less able to provide material support, and they find it difficult to expand their programs. IRS on the other hand does not receive any funding from external actors but

²⁴ An international federation which objective is to promote and protect street vendors

rather gets money to support the refugees from their own businesses. Although being self-sustaining increases IRS's sense of independence, another point expressed by the Chairman was that since they are not accountable to any donors, they do not have the same need for monitoring and evaluation of their work (Interview, 21.11.06). This perception can however damage the reputation of the organization and in so doing decrease their credibility.

Both RPC and SANZAF mainly access funding by drawing on their religious legitimacy²⁵ - SANZAF by referring to the obligation of paying Zakaat, RPC by getting funding from European Catholic church organizations. This echoes the findings of Dicklitch and Rice (2003) showing that RNGOs distinguish themselves from secular NGOs by having access to ready made constituencies; tapping into church groups and congregations. Although RPC has many organizational similarities with the other refugee formed NGOs, they have greater access to funding. This is due to their religious context providing them with greater capacity and a broader reputation.

MCC and LHR, as UNHCR implementing partners, get their main funding from them. Although this means they have a continuous access to funding, it also poses certain disadvantages. As the Program Coordinator of MCC pointed out "There are certain mandates that [UNHCR] have and we have to follow because they are our majority funder. I think our objectives have been structured so that they fit in with UNHCR's" (Interview, 14.09.06). This correlates with what Bornstein (2003) described as NGOs changing elements to fit with funding priorities, hence working within the system by manipulating it. However, the UNHCR mandate to focus on vulnerable refugees dictates that the implementing partners only reach a very small part of the migration community in need of assistance. This was raised as a great concern by KZNRC, RPC, and Siyagunda, as well as the refugee community leaders - all referring to MCC in particular. Thus MCC must take into account the negative perception the donor requirement creates among some of the refugee-formed organizations and in the refugee environment and the effect this may have on their role in the refugee support structure.

²⁵ MCC internationally also get funding mainly in relation to their religious background, yet as this research focuses on the Durban branch this will not be further elaborated as they are mainly funded by UNHCR.

LHR seems to have found a better balance between the requirements of UNHCR and their own values, as expressed by the Program Manager in Johannesburg:

We have a relatively cooperative relationship. However, they have a clear mandate focusing on refugees and they like us to subscribe to their values. Yet, we have a strong Human Rights mandate, which we pursue at all costs. But, we mostly feel that our mandates are overlapping and that we are working well together (Interview, 07.12.06).

Hence LHR is able to combine their focus and objectives with the requirements of UNHCR giving the organization a strong degree of independence and autonomy. This further increases their credibility and room to manoeuvre and so to assist most of the clients approaching them.

The evaluation process

The service providers were asked how their work is evaluated. All the NGOs described various internal evaluation procedures such as meetings and report writing. Only LHR's Program Manager pointed out that every third year they hire an external independent evaluator to evaluate the Refugee and Migrants Project (Interview, 07.12.06). This is something that more of the NGOs should consider as it complements the internal practices and adds to the organization's work credibility. The research material further revealed that most service providers include the clients, or feedback from the clients, in their evaluation procedures. This is a crucial element as participative planning is very important for the organization's local legitimacy. It further indicates to the service provider what should be prioritized and illustrates the organization's functional responsiveness. The most common evaluation indicators mentioned were statistical proof of the number of clients assisted, and the number of clients successfully getting what they need, for example IDs or access to antiretrovirals.

The researcher noted that the responses of the service providers on their evaluation process and key performance indicators were often short and seldom elaborated on. The first response of a staff member at SARC was: "The program is working well" (Interview, 18.09.06). At URW they stated: "Yes. I was involved in writing a report" (Interview, 13.09.06). Although four of the organizations gave more detailed replies, this appeared to be an issue where the researcher constantly had to follow up and elaborate on questions. One explanation for this was pointed out by Edwards and Hulme (1995). They state that since there are so few existing

agreed performance standards, NGO evaluation inevitably becomes a matter of judgment and interpretation. Hence without concrete standards to follow, less attention is given to this issue potentially resulting in the organizations not reflecting as much on their performance as they should.

Available strategies to improve and increase impact

This section looks at how the service providers' perceptions of improvement and increased influence link to the approaches previously outlined in Chapter 3 by Edwards and Hulme (2000). They elaborated that NGOs can increase impact through operational expansion, advocacy and lobbying, supporting grassroots organizations, and collaborating with government. It was further stated that the strategies are not mutually exclusive, and are complemented by legal reform and alliance building among NGOs.

The service providers were asked how they can increase the impact of their work. The strategies by Edwards and Hulme (2000) were not mentioned as the researcher wanted to hear from the organizations what their thoughts were without them first having being presented with different examples. What the service providers mentioned not so much as a strategy but more as a problematic issue was inadequate funding. Yet, having larger budgets could lead to operational expansion as more clients could be assisted and other areas of concern could be included in the program. It could further solve other practical problems such as insufficient space for clients and payment of office rent. Although these were problems mainly mentioned by the smaller, more recently established NGOs, the lawyer at LHR also indicated that in order to improve they need increased capacity to be able to maintain the standard they would like (Interview, 20.09.06).

In particular the Chairman at KZNRC stressed the importance of alliance building stating that one of the best ways to increase influence is by bringing South Africans on board: "If you are working at the Department of Home Affairs, and you see a South African coming to defend refugee problems, I'm sure you'll react differently from seeing another refugee doing or reporting the same problem" (Interview, 11.09.06). This is something which is crucial for the work of the NGOs - to be 'approved' of by the local community. As it has already been stated that the NGOs overall are assisting too few clients, the importance of increased alliance building and operational expansion becomes even more relevant. The latter was furthermore

recognised by the NGOs as the approach most often mentioned as a way of increasing impact. This could for example include assisting more clients, open offices in other areas, include new issues in their program, and moving from individual support to a more community based approach.

The possibility of increasing impact via collaboration with the government was mentioned by LHR, SARC and SANZAF²⁶. The fact that only three organizations immediately see the value of this partnership is in itself a striking finding. Yet, bearing in mind the unaccommodating policy environment previously described, it becomes less of a surprise. The Program Coordinator at SANZAF highlights the importance of being involved with the government, but also point out potential problems.

We are this bridge between the people and the government. In an ideal situation and in an ideal society, it should be the government that took care of the people, but you have to have these organizations speaking on behalf of the people. As much as we prefer the government to step in and help, corruption is very high, and our clients are vulnerable. We're living in this society in South Africa, and we need to work together. If we only focus on the problems and the differences and not come up with solutions; we're never going to get it right (Interview, 21.11.06).

The NGOs seemed to have clear perceptions of how they can improve and increase their impact, yet as is often the problem with future plans; they must not just be talked about but actually put into practice. Here lies a big challenge for the NGOs assisting refugees. If they are to create a greater impact and influence with their work, they should constantly look at the different approaches available and seek to utilize them in order to create more room to manoeuvre and a greater sense of authority in the environment they are operating in.

Collaboration and Partnerships

The gap between rhetoric and practice when it comes to concepts such as participation, accountability, and coordination between Northern and Southern NGOs was illustrated by Brunnstrom (2003) in Chapter 3. PPASA, MCC and SARC all have international branches yet there was little in the research material which indicated a great level of collaboration at an international level. When mentioned, it was mainly in relation to funding. Most of the collaboration identified was between the NGOs interviewed and is linked to the Durban

²⁶ However, this partnership was also asked about more specific later in the interview and is elaborated on in the section below.

Service Provider Network. In addition, the work of the National Consortium for Refugee Affairs is elaborated here as well as the service providers' relationship to the state; the latter ending off with recommendations given by the NGOs to the state on how to improve the living conditions of refugees.

After the collapse of the Durban Refugee Forum in 2001, there was no overall structure for NGOs assisting refugees to refer to- hence the establishment of the Durban Service Provider Network (DSPN). The Network was formed with the aim of avoiding duplication of services and identifying gaps, getting to know the work of the different organizations for referrals, jointly lobbying for the rights of refugees and providing a diversified package of services to asylum seekers and refugees in Durban (Interview, MCC, 14.09.06). The collaboration between the member organizations includes once a month meetings to share knowledge and discuss referrals. All of the organizations interviewed were members of the network except for KZNRC and Siyagunda. In addition, officials from the DHA and the Department of Social Welfare participate. Although the Program Manager of PPASA stated that anyone who is working with or has an interest in refugees can join the network, both KZNRC and Siyagunda said that even though they work for refugees they were not included in the network. Thus the strongest criticism of the network and the member organizations came from the Chairman at KZNRC. His experience with the DSPN has been very negative, and he further described the Network as inefficient and not working for its purpose (Interview, 11.09.06).

However, as expected most of the member organizations described the DSPN as successful and effective²⁷. This was illustrated by the Program Coordinator at SANZAF:

The main thing is that we get to see the amount of work that is being done. It empowers us as staff because we get to know what's happening and pass it along. We get to know what policies are implemented and who's lobbying government for other changes (Interview, 21.11.06).

The Chairman at IRS stated that exchanging experiences and making referrals through DSPN makes their work easier. He further said that the collaboration illustrates the common purposes and problems experienced by the NGOs (Interview, 21.11.06). On the other hand, URW (Interview, 13.09.06) claimed that limited funding and organizations being busy with their own work meant that the network is yet to serve its full potential. For example, the

²⁷ This also makes sense in view of what was underlined by Hilhorst (2003) and Goffman (1992) in Chapter 4 about actors having different backgrounds, experiences, intentions and motivations.

lawyer at LHR explained that due to limited capacity he is no longer as involved as he used to be (Interview, 20.09.06). This confirms the statement from MCC's Program Coordinator that there are a few organizations in the network that do all the work. In addition, it has been proposed that the network gets involved in funding and service provision. Concerns about this suggestion were raised based on the argument that it becomes difficult to stipulate who 'owns' the work and how to manage it (interview, 14.09.06). This correlates with what Chapman and Fischer (2002) pointed out as possible problems when legitimating work through alliances and networks. In the end the collaboration itself seems to provide the organizations with valuable information and basis for referrals. This is important for the quality of assistance offered to refugees and further for identifying gaps such that an extensive support can be provided. The Service Provider Network appears to have settled and identified its objectives, yet internal workings and tension between the organizations are having negative effects on its work and reputation.

According to their website, The National Consortium for Refugee Affairs (NCRA) was established in 1997 as a non-profit, umbrella organization committed to the promotion and protection of the rights of refugees. Its mission is to develop and strengthen networking through regular exchange of information, expertise and experience; as well as monitoring refugee policies and laws to promote best practice models (www.ncra.org.za). The website further states that refugees are directly represented on the NCRA through elections within the various refugee committees / communities based in the five reception centres. However, in the case of Durban, the Durban Refugee Network collapsed in 2001, later to be replaced by the DSPN, and consequently there is no such committee in place. One of NCRA's executive committee members explained that NCRA's objective is to provide coordination between the various organizations working with refugees and refugee policies. However, he further stated that there are certain problems related to running the NCRA in particular pointing to a lack of continuity among staff due to the funding issue: "The lack of financial security and being on limited duration contracts is often a big reason for leaving these kinds of jobs" (Interview, 07.12.06). The NCRA is more useful for organizations based in Gauteng as they have direct access to the information. This could partly explain why none of the informants mentioned NCRA when talking about collaboration and in so doing implying that the links between this organization and the organizations in Durban are not particularly strong. As NCRA provides a valuable network and information for organizations working with refugees, the organizations

in Durban should encourage a closer relationship and increased collaboration with this umbrella organization.

NGOs' Relationship and Recommendations to the State

In general, when compared to the refugee-formed NGOs, the non-refugee formed NGOs seem to have a better relationship and access to the state and its institutions. For instance, URW approached the government in 2003 asking if they could provide them with a physical structure for the crèche. No assistance was offered. Since then they have not had any contact with the government. Also KZNRC found their relationship with the state uncooperative.

We feel that we are a partner to the city and that we are contributing, but they don't treat us as a partner. What we want is for them to see us as human beings, to give us a paper; I don't think giving us that will compete with the services they provide to South Africans (Interview, 11.09.06).

The lawyer at LHR described his previous experience with working for the government as a definite advantage. However, not being able to speak any African languages makes it more difficult. He further claimed to have more success with accessing and getting feedback from the DHA in Durban compared to the head office in Pretoria. Although he has good experiences with the management level he is very critical of the lower-ranked officials.

The minor officials are the worst of the worse; people are being bounced around and treated horribly by them. It doesn't matter if there is goodwill on top management. If the guys on the ground are not clued up altogether - that is a huge problem (Interview, 20.09.06).

The lawyer's experiences can be partly explained by the findings from David *et al's* (2005) study presented in Chapter 2 revealing that a significantly high level of officials at the Department of Home Affairs were unfamiliar with the Refugees Act. A number of the organizations appeared to have rather good access to the state and its institutions, among others through meetings held by the DSPN which government officials would attend. However, as was pointed out in Chapter 3; the most successful state-NGO collaboration takes place with NGOs being concerned with welfare provision as these often are not challenging the status quo. Thus, the service providers must continue to put pressure on the state to provide their services with the NGOs taking on more of a monitoring role and potentially offering more specified assistance.

The NGOs were, at the end of the interview, asked to give recommendations to the state on how to improve the living conditions of refugees. As was predicted, the issue of proper identification and increased capacity and effectiveness at the Department of Home Affairs was most often pointed out. If this is accomplished it would have positive effects on other ID related problems such as accessing accommodation, medicines and banking services. Since there are no refugee camps in South Africa it was emphasized that the state should focus on providing shelter for refugees as well as providing greater capacity for skills development so that refugees can more easily access jobs. In the context of health care the problem of HIV/AIDS was particularly mentioned and for the refugees to have access to treatment.

In addition, recommendations were made relating to the government's working procedures and policy environment. Both the Chairman at KZNRC and Siyagunda would like refugees to become included in government planning and their Integrated Development Planning process.

When [government officials] are doing local economic development, they should think of refugees- because we are part of the city; we pay rent, we buy groceries, so we still contribute to the economy of the city. Therefore it's important that our issues are included (Interview, KZNRC, 11.09.06).

However, the Chairman at Siyagunda further states that since refugees are not allowed to vote and do not constitute a political force they have no means of putting pressure on the politicians to keep their promises. The Program Coordinator at SANZAF ultimately believes a more structured refugee policy is required.

The refugees must have a body they can turn to with their grievances. We, the NGOs, can't cope. The government should sit down with UNHCR and talk about the refugee migration and ask how we can regulate it. We must have more reception centres for refugees, maybe at the border? The majority that comes to South Africa are single men, where do they go if organizations can't help them? (Interview, 21.11.06)

Thus, the NGOs acknowledge the role of the state pointing to services they should provide as well as improvements they need to make. The stakeholders involved in the support agency structure for refugees should together make sure they give refugees the opportunity to live a decent life in South Africa. This can only be achieved through a comprehensive and collaborative approach designed and implemented with the mutual participation of refugees, service providers, and the state.

This research has outlined the main NGOs in Durban assisting asylum seekers and refugees. The work of the organizations, their weaknesses and potential gaps, has further been described. The NGO staff perceptions of their working environment were illustrated through the policy environment, migration theory and the refugee environment. Various internal workings of the NGOs were described showing how these create different positive and negative consequences for the organizations' room to manoeuvre. Finally, the degree of collaboration was described focussing in particular on the Durban Service Provider Network, the National Consortium for Refugee Affairs and the organizations' relationship to the state. A summary of the findings is given in Chapter 6.

Chapter 6. Conclusion and Recommendations

Previous research has over and over again illustrated the various difficulties migrants are currently facing in South Africa. Without having access to proper identity documents, a number of problems instantly arise such as access to accommodation, jobs, health care and banking services. In addition, these problems the migrants have to face within an increasingly xenophobic South African society. The state, claiming to protect all people living in the country, is at present not exceptionally accommodating to the migrants entering. In many cases the support could even be described as minimal. Thus, NGOs have a particularly critical role to play within the support agency structure for migrants in South Africa. However, due to the restricted policy environment, they also have a particularly challenging one.

The objective of this research is to build on previous research, much of which describes and analyses the situation of refugees in South Africa. This research examined the services provided by NGOs in Durban and what role these organizations are playing within the support agency structure for refugees. The research revealed that the NGOs can be divided into two clusters. Each of these has certain characteristics further affecting their work and internal workings. KZNRC, URW, IRS, RPC and Siyagunda are locally based and have been relatively recently formed by refugees. MCC, LHR, SANZAF, SARC and PPASA are well established organizations with national and international branches. These factors influence the NGOs' room to manoeuvre in various ways. The first cluster of organizations has a much stronger accountability towards their clients involving them in the structure, implementation and design of the organization. However, they often have less access to funding and weaker links to the state and its institutions. The second cluster appears to have a greater distance from their clients, but better access to funding and state institutions as well as more professionalism and greater experience with monitoring and evaluation procedures and requirements.

Further categories of organizations identified were KZNRC, URW and Siyagunda - all membership based organizations - and MCC, SANZAF and RPC being religious NGOs. RNGOs were seen to have better access to funding as well as a solid foundation for legitimacy. Yet, they are also in the position of excluding clients not belonging to or comfortable with their religious context. However, all organizations played upon different values (if not religious then human) to legitimate their work. Although this normally creates a

broad public appeal, the organizations still have to deal with the issue of scepticism and lack of knowledge about asylum seekers, refugees and their rights among local South Africans.

Although the services provided are relevant, assistance requirements (from UNHCR in particular), inadequate capacity, and the exclusion of clients are hampering the effects of the NGOs' assistance. An evident reason for the NGOs' relatively ineffectiveness is the unaccommodating policy environment and the state's failure to successfully address the problems experienced by migrants. Thus the NGOs are currently only scratching the surface of the needs in the migrant community. This is of crucial concern to the service providers who should facilitate to allow all refugee organizations and key people, such as refugee community leaders, to attend meetings of the Durban Service Provider Network. Among others, this could help improve the priorities and service provision of the NGOs. Furthermore, collaboration across cities seemed to be minimal which in turn decreases the organizations' influence and the possibility of putting collective pressure on the state. To ensure that the NGOs meet the needs of their clients they should try to work together in order to provide a comprehensive basic support package for the refugees.

The NGOs' perception of the context in which they work revealed that they find the policy environment challenging. Although lobbying and advocacy has had some results, the inconsistency and lack of practical implementation creates problems. Negative attitudes towards economic migrants were prevalent creating an unnecessarily stereotyped perception of this group of migrants. Taking into consideration that political and economic migration factors are often closely linked, it proves problematic when service providers deny migrants access to their services based on these criteria. The refugee environment itself was perceived as very supportive but only within each community and not across ethnic or national boundaries. This further illustrates why it is so difficult for refugees to organise as a collective group. The NGOs' clients would most often be males from the Great Lakes Region who have come to South African due to its stability, safety and respect for human rights. It was further demonstrated that those working with refugees in Durban argue that their clients are experiencing the same problems as refugees in other South African cities when it comes to discrimination, dealing with the DHA, and accessing social and private services. They point out that, in fact, given the greater ethnic homogeneity in Durban, migrants might even find it more difficult integrating here compared to other South African cities.

Although the NGOs are playing an important and in some cases crucial role in supporting refugees, a number of improvements must be implemented if they are to present the refugees with a sustainable service that will help them to settle and live in Durban, South Africa.

Recommendations to the service providers

Drawing on the findings presented in Chapter 5, there is room for improvement in all the sections analyzed. Ideally the state should be the agency providing the migrants with a basic package of assistance including IDs, accommodation, food, clothing, language training, and support to generate income. This would leave the NGOs with more of a monitoring role in making sure that the state fulfils its promises and that human rights are not violated. However, the state will have to change its policy quite drastically for this to take place, and so this is more of a long term goal for the NGOs. At the moment NGOs have to continue to provide assistance that should have been given by the state.

In terms of the services provided the NGOs should pay increased attention to issues such as accommodation, skills training, arrangement for burials, and access to micro credit such that clients can set up small businesses. These seem to be the most critical issues in need of more attention. Furthermore, the wider consequences (for family, wife, children) of excluding single healthy males from services provided must be acknowledged and procedures put in place to counter-act such effects. This also applies to the UNHCR that should reconsider its requirement to implementing partners instructing them to focus only on vulnerable.

New relationships between NGOs and other stakeholders in the areas of health care, education and xenophobia should be encouraged. Within health care it is particularly important that NGOs are able to refer clients in need of professional psychological assistance. Easier access to higher education should be ensured by NGOs' increased lobbying with Colleges and Universities. Finally, the state should, together with the NGOs, work on an information campaign taking up the issue of discrimination and xenophobia experienced by refugees in South Africa. This would not only be useful to change negative perceptions of migrants among locals, but also among the NGO and government staff. NGOs should avoid using the term 'refugee-generating country' and be aware that economic factors also often play a role in refugee migration. Hence they must be careful about making negative generalisations of economic migrants and/or refugees. It is also recommended that there should be increased

effort among the NGOs to be familiarised with important refugee documents, as well as the migration process and the positive and negative consequences it is creating in South Africa.

In order to improve internal working procedures the NGOs should collaborate more closely with refugee community leaders to increase downward accountability and links to the grassroots and to map out the needs in the refugee community. It is further recommended that the service providers develop clearer monitoring and evaluation procedures. External evaluators could be utilized more often, and more qualitative information from the clients should be obtained by the service providers. Furthermore it appears vital that the NGOs seek the right balance between donor and client accountability as this has great effects on their work and general reputation. Finally, NGOs should always look for new ways to improve and increase their impact. In particular this can be accomplished through increased collaboration.

The service providers should be involved in government discussions relevant to their assistance while at the same time empower the state to provide essential services. They should avoid settling in the 'safe area' of welfare provision and identify how to complement, not substitute the state. Furthermore, there is a need to develop a memorandum of understanding with Local Government stipulating the rights of asylum seekers and refugees and the procedures for accessing those rights. Government should involve service providers in policy discussions and be responsible for distributing information of the NGOs' work to the refugees at the Refugee Reception Offices.

Finally, the service providers should facilitate for all refugee organizations, and refugee community leaders to be represented in the Durban Service Provider Network. They must further develop and strengthen links with other networks such as NCRA and organizations in other South African cities. The service providers need to work closely with all organizations assisting refugees, in addition to the state and the refugees themselves, to ensure asylum seekers and refugees have knowledge of and access to essential assistance when arriving in Durban. Only then will it be possible for these people to live a decent life in South Africa.

Remaining gaps for future research

Research for future reference to complement these and previous findings regarding vulnerable migrants in South Africa and their support agency structure would include research on the

service providers' clients. Other areas of research would include the perception among state institutions such as Department of Home Affairs and Social Welfare on the role NGOs play in the service provision, as well as similar comparative research conducted in other South African cities. Finally, the function of collaborative networks such as the Durban Service Provider Network and the National Consortium of Refugee Affairs could also be further analysed.

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Appendix

Appendix A: Overview of interviews

When	Who	Position	Where
11.09.06	<i>KwaZulu-Natal Refugee Council</i> Baruti Amisi	Chairperson	At the resource center in CCS
12.09.06	<i>Planned Parenthood Association of South Africa</i> Mr Jean Pierre Ms. Nonkoo	Started the refugee program in May 2001 Provincial Program Manager	At PPASA's office in Pinetown
13.09.06	<i>Union of Refugee Women</i> Aline Irambona Germaine Habonimana Jeanine	Voluntary worker Full-time employed Full-time employed	At their crèche in Pickering Street, Point area.
14.09.06	<i>Mennonite Central Committee</i> Yasmin Rajah	Program Manager	At MCC's office in Diakonia Centre, St. Andrew Street.
18.09.06	<i>The South African Red Cross Society</i> Cyril Vezi Nomajuju Khanyile Dumisani Mzobe	Manager for Disaster Management Program Coordinating Restoring Family Links Program	At Red Cross' office in Somtseu Road, North Beach.
20.09.06	<i>Lawyers for Human Rights</i> Paul Slabbert	Lawyer working on the Migrants and Refugee rights project	At LHR's office in Diakonia Centre, St Andrew Street.
21.09.06	<i>Siyagunda Association</i> Mr Gaby Bikombo	Chairperson and refugee leader	At Streetnet's office in Diakonia Centre, St Andrew Street
22.09.06	<i>Refugee Pastoral Care</i> Pierre Matate	Public Relations and Pastoral Care	In RPC's office in Emmanuel Cathedral
21.11.06	<i>South African National Zakah Fund</i> Shireen Moosa	Program Coordinator	In SANZAF's office in Queen Street.
21.11.06	<i>International Refugee Service</i> Mr Osman Omar	Chairperson	At IRS's office in Broad Street.
28.11.06	<i>Lawyers for Human Rights, Pretoria</i> Claudia Serra	National Training Coordinator	At LHR's office in Pretoria.

07.12.06	<i>Lawyers for Human Rights, Johannesburg</i> Jacob van Gardener	National Coordinator Executive committee member in NCRA	Phone interview.
14.12.06	Nelson	Rwandan refugee community leader	Addington beach.
16.12.06	Abdul	Congo refugee community leader	42 St Regis, Smith Street.
17.12.06	Joseph	Burundi refugee community leader	In his car near Diakonia Center

Appendix B: Interview scheme for NGOs

THE ORGANIZATION

Q1. Can you tell me about the organization?

Prompts

- 1.1 How would you define your NGO?
- 1.2 What is the NGO's main objective?
- 1.3 What is the NGO's driving philosophy?
- 1.4 When was the organization formed?
What was the initial motive for its formation?
- 1.5 How many staff does the organization employ?
How many clients do you have in an average month?
- 1.6 How would you describe the primary activities of the organization?

Q2. How has the changing national policy environment impacted on your work?

THE REFUGEES/CLIENTS

Q3. Can you tell me about the clients you work with?

Prompts

- 3.1 How would you describe your average client?
- 3.2 Are some clients easier to help?
If yes- who, and why?
- 3.3 Why have your clients come to South Africa?
- 3.4 Does the organization differentiate among the migrants it works with?
If yes- how?

Q4. From your experience, how do refugees experience Durban?

Prompts

- 4.1 Are the refugees in Durban supportive of each other?
How, if at all, are refugees organized in this city?
- 4.2 What sorts of support organizations are available?

Q5. What do your clients experience as the main problems in Durban?

Prompts

- 5.1 Have your clients had any discriminating experiences?
If yes, where and how did it happen?
Why do you think the clients experience this?
- 5.2 What are your clients' experiences with DHA and accessing identity documents?
What problems have your clients experienced in relation to:
- 5.3 Getting accommodation?
- 5.4 Getting jobs?
- 5.5 Accessing education?
- 5.6 Accessing health care?

5.7 Access to credit/banking?

5.8 Can you tell of any specific incidences where your clients have experienced any of these problems?

THE WORK/PROGRAMS OF THE ORGANIZATION

Q6. Can you tell me about the program(s) the organization run (for these clients)?

Prompts

6.1 What is the primary purpose of the program?

6.2 How long have you run the program?

How long does the clients participate in the program?

6.3 What has made the organization focus on this issue?

Q7. What role do the clients play in the activities of the organization?

Prompts

7.1 Are the clients involved in the design of the programme?

7.2 Are the clients important in order to reach new clients?

7.3 Are the clients involved in the implementation of the program?

Q8. How are your programs monitored and evaluated?

Prompts

8.2 How do you assess the progress of your program?

What indicators do you use to measure this?

8.3 Are there ways in which the program can be improved?

How?

8.4 How can the organization increase the impact of its work/program?

'SENSITIVE' QUESTIONS

Q9. How is the organization structured?

Prompts

9.1 (Do you have an organogram I can have?)

9.2 Does the organization have a board?

If yes, who is on it?

Q10. What are your primary sources of funding?

Q11. How would you describe your relationship with your funder?

Prompts

11.1 Are they supportive?

11.2 Do they try and influence what you do?

11.3 Do they have an underlying agenda?

If yes, how would you describe it?

RELATIONSHIP TO THE STATE AND OTHER NGOs

Q12. How would you describe your relationship with the state?

Prompts

12.1 What governmental officials/institutions do you have access to?

Q13. What are your experiences from working with other NGOs?

Prompts

13.1 Which organizations have you worked with?

13.2 How have you collaborated?

13.3 What have you learned from this collaborative work?

Q14. What is your relationship to international agencies and experience with international policies?

Q15. What is your experience with the Durban Service Provider Network?

Prompts

15.1 Has it been useful?

WAY FORWARD

Q16. If you were advising the presidency about how to improve refugees' living conditions, what would your three main priorities be?

Appendix C: Interview scheme for refugee community leaders

INTRODUCTION

- 1. Where are you from?**
- 2. How long have you been in South Africa?**
- 3. Why did you come to South Africa?**

THE REFUGEE'S EXPERIENCES

- 4. How did you experience coming to South Africa/ Durban?**
 - 4.1 Were there any support organizations available for you to access?
If yes- which one and what did they help you with?
 - 4.2 Are the refugees in Durban supportive of each other?
(Across country borders and ethnic identity)
 - 4.3 How, if at all, are the refugees organized in Durban?

THE REFUGEE'S PERCEPTION OF NGOS

- 5. In your opinion, what should be the role of NGOs working with refugees?**
 - 5.1 What should they do?
- 6. Can you tell me what organizations in Durban you know of that are working with refugees?**
 - 6.1 What do these organizations do?
 - 6.2 Are they easy to access?
 - 6.3 How do refugees get to hear about these organizations?
 - 6.4 Do you see the work of these NGOs as useful for refugees?
In what way? Why not?
- 7. What would you describe as the most important issues for refugee women to be assisted with when living in Durban?**
- 8. From your experience, on what matter is it most critical for NGOs to support or provide assistance to refugees?**
 - 7.1 Is this currently being done by any NGO?
 - 7.2 Are there any specific refugee issues which are not being dealt with by the NGOs?
- 9. If you were giving advice to the NGOs on how to best assist refugees, what would your three main recommendations be?**